











# Proclamations and Orders in Council

*Passed under the authority of  
The War Measures Act*

*R.S.C. (1927) Chap. 206*

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VOLUME 1.

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CERTIFIED to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th January, 1940.

The Committee of the Privy Council have had before them a report, dated 10th January, 1940, from the Honourable C. G. Power, Convener of the Committee of the Cabinet on Legislation, stating:—

1. That under the provisions of The War Measures Act, a large number of Orders in Council, many of them having the force of Statutes, have been passed;
2. That many of such Orders in Council need to be referred to frequently by persons interested in the subjects thereof; and
3. That it is advisable that a compilation of all such Orders in Council should be prepared and published in book form, and that all Proclamations should be included therein;

The Minister, therefore, recommends that he be authorized to undertake the compilation and publication of all Proclamations, and of all Orders in Council passed under the provisions of The War Measures Act, Chapter 206, R.S.C., 1927, having the force of Statutes; that all such Orders in Council passed between August 25, 1939, and December 31, 1939, together with all Proclamations of the same period, constitute the first volume thereof; and that the cost of this and of subsequent volumes be a charge against the moneys provided by Parliament under The War Appropriation Act, 1939.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Acting Clerk of the Privy Council.*

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Order in Council providing that Minister of National Defence may call out the Militia

P.C. 2396

PRIVY COUNCIL

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 26th day August, 1939.

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 63 of the Militia Act provides that the Militia or any part thereof, or any officer or man thereof, may be called out for any Military purpose other than Drill or Training, at such time and in such manner as is prescribed;

And whereas Section 2 (j) of the said Act defines "prescribed" to mean prescribed by the Militia Act or by regulations made thereunder:

And whereas the Minister of National Defence reports that there are certain duties which in his opinion are "Military purposes" coming within the meaning of that expression as used in Section 63 of the said Act for the performance of which the strength of the Permanent Force is at present insufficient, and it is desirable to place on service certain parts of the Militia; and

That it is deemed expedient to make a regulation providing the manner in which the provisions of the said Section 63 may be invoked;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of the Militia Act, is pleased to make the following regulations and it is hereby made and established accordingly:

#### REGULATION

The Minister of National Defence may call out the Militia or any part thereof, or any officer or man thereof, for any purpose coming within the provisions of Section 63 of the Militia Act, at such times and in such manner as he may deem expedient.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

# Order in Council respecting the control of shipping

P.C. 2412

## AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 26th day August, 1939.

### PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence, with the concurrence of the Ministers of Transport, Trade and Commerce, and National Revenue, reports that it is desirable in the public interest that provision should be made respecting the Control of Shipping;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and in virtue of the provisions of the War Measures Act, and of any other law in force in Canada, is pleased to make the following Regulations and they are hereby made and established accordingly:

### REGULATIONS

1. Every vessel within the ports of Canada or Canadian waters, as defined in the Customs Act, shall comply with such orders as to the navigation and mooring of vessels as may be issued by, or on behalf of, the Minister of National Defence, and shall obey any orders given, whether by signal or otherwise, by any officer in command of any of His Majesty's Canadian ships or of any other of His Majesty's ships or any naval, military or air force officer engaged in the defence of the coasts of Canada.

2. Every vessel of Canadian registry or licence wheresoever it may be shall comply with such orders as to its navigation and mooring as may be issued by, or on behalf of, the Minister of National Defence and shall obey any orders given, whether by way of signal or otherwise, by any officer in command of His Majesty's Canadian ships or of any other of His Majesty's ships, or by any naval, military or air force officer engaged in the defence of the coasts of Canada.

3. If the Master or other person in command or charge of such vessel fails to comply with or to obey any order issued or given hereunder he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$500, in addition to any other penalty or any forfeiture provided by law.

The Ministers of each of the Government Departments and all officers and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



Order in Council approving financial regulations and instructions for the  
Canadian Field Force

P.C. 2434

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 31st August, 1939.*

The Committee of the Privy Council have had before them a report, dated 28th August, 1939, from the Minister of National Defence representing that it is necessary to make special provision for the pay and allowances and other emoluments, whether in money or kind, to be paid or issued to or in respect of,—

- (a) Those parts of the Active Militia, and officers and men of the Militia, called out by the Minister of National Defence for any purpose coming within the provisions of Section 63 of the Militia Act in pursuance of a regulation made by Order in Council of the 26th day of August, 1939, P.C. 2396, and
- (b) the Canadian Field Force should the same be organized, and
- (c) those parts of the Militia which from time to time are placed on active service by Your Excellency in Council under the provisions of Section 64 of the Militia Act.

The Minister, therefore, on the advice of the Deputy Minister of National Defence recommends that the attached "Financial Regulations and Instructions for the Canadian Field Force," be approved, effective on and from the 26th day of August, 1939.

The Committee submit the same for approval accordingly.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

NOTE: "*Financial Regulations and Instructions for the Canadian Field Force*" printed by King's Printer.

Order in Council regulating requisitioning of property other than land

P.C. 2435

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 12th day of September, 1939.

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that it is desirable in the public interest that provision should be made respecting the requisitioning of property other than land;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and in virtue of the provisions of the War Measures Act, and of any other law in force in Canada, is pleased to make the following Regulation and it is hereby made and established accordingly:

#### REGULATION REGARDING THE REQUISITIONING OF PROPERTY OTHER THAN LAND

(1) Subject as hereinafter provided, the Minister of National Defence, hereinafter referred to as the Minister, if it appears to him to be necessary or expedient so to do in the interests of the public safety, or the safety of the State, or for maintaining supplies and services necessary to the life of the community, may requisition—

- (a) any chattel in Canada (including any vessel or aircraft or any article on board a vessel or aircraft), and
- (b) any British ship or aircraft registered in Canada or any article on board such British ship or aircraft, wherever the ship or aircraft may be;

and may give such directions as appear to him to be necessary or expedient in connection with the requisition;

Provided that the preceding provisions of this Regulation shall not authorize the requisitioning of any British ship or aircraft registered elsewhere than in Canada or of any foreign ship or aircraft or of anything on board such a ship or aircraft.

(2) If the Minister requisitions any property under this Regulation, he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner as he thinks expedient in the interests of the public safety, or the safety of the State, or for maintaining supplies and services necessary to the life of the community, and may hold, or sell or otherwise dispose of, the property as if he were the owner thereof.

(3) The Minister, if it appears to him to be necessary for the effectual exercise in his powers under paragraph (1) of this Regulation so to do, may, by order made as respects the whole of Canada or any part thereof,—

- (a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in the area to which the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;
- (b) require the owner or occupier of any premises in the said area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(4) The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his functions under paragraphs (1) to (3) of this Regulation to any particular persons or class of persons.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council authorizing employment of Auxiliary Active Air Force  
and the Reserve Air Force

P.C. 2441

PRIVY COUNCIL

CANADA

*Secret*

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, August 31, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that there are certain Air Force duties which are required to be carried out for the performance of which the strength of the Permanent Active Air Force is insufficient, and it is desirable to employ on full-time air force duty certain parts and personnel of the Auxiliary Active Air Force and the Reserve Air Force;

And whereas section 5 of the Aeronautics Act, Chapter 3 Revised Statutes of Canada, 1927, provides that the Minister may employ such officers and men under this Act as may be authorized by the Governor in Council, under such conditions as to discipline and pay as the Governor in Council may determine, and may make such arrangements for their proper training, housing, board, clothing and equipment as may be deemed necessary and as may be approved by the Governor in Council;

And whereas it is deemed expedient that the Minister of National Defence be authorized to employ on full-time air force duty those parts and personnel of the Auxiliary Active Air Force and the Reserve Air Force as he may from time to time deem necessary.

Now, therefore, His Excellency the Governor General in Council, pursuant to the provisions of Section 5 of the Aeronautics Act, is pleased to authorize and doth hereby authorize the Minister of National Defence to employ from time to time on full-time air force duty, as the same are required, such parts and personnel of the Auxiliary Active Air Force and the Reserve Air Force as the said Minister deems necessary.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



## Order in Council constituting sub-committees of Council

P.C. 2474

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 30th August, 1939.*

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that in order to provide, in the present emergency, for a proper distribution of work and an effective allocation of duties, the following subcommittees of Council be hereby constituted for the specific purposes hereinafter set forth:—

### 1. *Emergency Council* (Committee on General Policy)

To consider all question of general policy; to receive reports from all other Committees; and, generally speaking, to co-ordinate all operations of Government.

### 2. *Supplies*

To concern itself with the purchase of food supplies, equipment, munitions, construction of buildings, mobilization of industry, and to advise upon the purchase of all supplies, whether for the Dominion of Canada or for Great Britain or its allies, should the Government of Canada be asked to undertake this work, whether such purchases be made in Canada or in the United States.

### 3. *Legislation*

To examine all Orders in Council passed under the War Measures Act, and to report same to Council, in the same manner as Treasury Board reports all financial transactions, and to check on any lack of co-ordination between Departments.

### 4. *Public Information*

Dealing with censorship, publicity, recruiting, speakers, propaganda and keeping up the morale of the people.

### 5. *Finance*

Banks, moratoria, bond flotations, credits as between Great Britain and Canada.

### 6. *Internal Security*

Commodity prices and cost of living, Provincial relations, air raid precautions, labour disputes, aliens, public safety and order.

The Committee, on the same recommendation, further advise that the said Subcommittees of Council consist of the following:—

#### 1. *Emergency Council*

The Right Hon. W. L. Mackenzie (Convener),  
The Right Hon. Ernest Lapointe,  
The Hon. J. L. Ilsley,  
The Hon. Ian Mackenzie,  
The Hon. R. Dandurand,  
The Hon. T. A. Crerar.



## 2. *Supplies*

The Hon. P. J. A. Cardin (Convener),  
The Hon. Ian Mackenzie,  
The Hon. J. G. Gardiner,  
The Hon. J. E. Michaud,  
The Hon. J. A. MacKinnon.

## 3. *Legislation*

The Hon. C. G. Power (Convener),  
The Right Hon. Ernest Lapointe,  
The Hon. Norman Rogers,  
The Hon. N. A. McLarty,  
The Hon. P. J. A. Cardin.

## 4. *Public Information*

The Hon. N. A. McLarty (Convener),  
The Hon. Norman Rogers,  
The Hon. C. G. Power,  
The Hon. J. G. Gardiner,  
The Hon. J. E. Michaud.

## 5. *Finance*

The Hon. J. L. Ilsley (Convener),  
The Hon. W. D. Euler,  
The Hon. T. A. Crerar,  
The Hon. C. D. Howe,  
The Hon. N. A. McLarty.

## 6. *Internal Security*

The Hon. Norman Rogers (Convener),  
The Hon. J. A. MacKinnon,  
The Hon. T. A. Crerar,  
The Hon. W. D. Euler,  
The Hon. C. D. Howe.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council authorizing Proclamation calling Parliament  
on September 7, 1939

P.C. 2476

*Certified to be a true copy of a Minute of a Meeting of the Committee of the  
Privy Council, approved by His Excellency the Governor General on the  
1st of September, 1939.*

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that a proclamation do issue summoning the Parliament of Canada to meet on Thursday the seventh day of September, 1939, at three o'clock in the afternoon, at the City of Ottawa, for the Despatch of Business.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

**PROCLAMATION**

TWEEDSMUIR,  
[L.S.]

**CANADA**

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland, and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To Our Beloved and Faithful the Senators of the Dominion of Canada, and the Members elected to serve in the House of Commons of Our said Dominion, and to each and every of you,—

GREETING:

**A PROCLAMATION**

Whereas Our Parliament of Canada stands prorogued to the Second day of the month of October, 1939, at which time at Our City of Ottawa you were held and constrained to appear. Nevertheless, for certain causes and considerations, We do Will, by and with the advice of Our Privy Council for Canada, that you and each of you, be as to Us in this matter entirely exonerated Commanding, and by the tenor of these Presents enjoining you, and each of you, and all others in this behalf interested, that on Thursday, the Seventh day of the month of September next at Our City of Ottawa, aforesaid, personally you be and appear, for the DESPATCH OF BUSINESS, to treat, do, act and conclude upon these things which in Our said Parliament of Canada, by the Common Council of Our said Dominion, may by the favour of God be ordained.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed.  
WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, in Our said Dominion, this First day of September, in the year of Our Lord, one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,  
*Under-Secretary of State.*

Order in Council authorizing Proclamation concerning existence of  
apprehended war

P.C. 2477

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 1st day of September, 1939.*

The Committee of the Privy Council have had before them a report, dated September 1, 1939, from The Right Honourable W. L. Mackenzie King, the Prime Minister, representing that a state of apprehended war exists and has existed since the 25th day of August, A.D., 1939; and

That it is essential that the Governor in Council may be clothed with the necessary power from time to time to do such things as he may deem necessary or advisable for the security, defence, peace, order and welfare of Canada.

The Prime Minister, therefore, recommends that a proclamation be issued and published in the *Canada Gazette*, pursuant to the provisions of The War Measures Act, and declaring the existence of apprehended war as and from the 25th day of August, A.D., 1939.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

*Canada Gazette (Extra). 1st September, 1939*

PROCLAMATION

TWEEDSMUIR  
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To ALL To WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

PROCLAMATION

ERNEST LAPOINTE,  
Attorney General,  
Canada.

Whereas the War Measures Act provides that the issue of a Proclamation by Us or under the authority of the Governor in Council shall be conclusive evidence that war, invasion or insurrection, real or apprehended, exists or has existed for any period of time therein stated and of its continuance, until by the issue of a further proclamation it is declared that the war, invasion or insurrection no longer exists.

Now KNOW YE that by and with the advice of Our Privy Council for Canada We do hereby proclaim and declare by this Our Proclamation that apprehended war exists and has existed as and from the twenty-fifth day of August, one thousand nine hundred and thirty-nine.



OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfeld, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this first day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

ERNEST LAPOINTE,  
*Acting Secretary of State.*

Order in Council placing the Reserve Naval Forces of Canada on  
active service

P.C. 2478

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that by reason of the present emergency it appears advisable to place on active service the Naval Forces.

Wherefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the powers conferred by Section 19 of the Naval Service Act, Chapter 139, Revised Statutes of Canada, 1927, is pleased to place and doth hereby place on active service the following parts of the Naval Forces as of and from the first day of September, 1939.

*Schedule*  
Reserve Naval Forces of  
*Canada*  
350 Officers—3,500 Ratings

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council placing the Permanent Naval Forces on active service

P.C. 2479

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that by reason of the present emergency it appears advisable to place on active service the Naval Forces.

Wherefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the powers conferred by Section 19 of the Naval Service Act, Chapter 139, Revised Statutes of Canada, 1927, be pleased to place and doth hereby place on active service the Permanent Naval Forces as of and from the 1st day of September, 1939.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council establishing Censorship Regulations, 1939

P.C. 2481

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence, with the concurrence of the Postmaster General, the Secretary of State and the Minister of Transport, reports, under date of first September, 1939, that, by reason of the existence of the present emergency, it is desirable in the public interest to provide for the institution of censorship;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, with the concurrence as aforesaid, and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and otherwise, is pleased to make the Regulations set out in the annexed schedule which may be cited as "The Censorship Regulations, 1939," and they are hereby made and established accordingly.

The Ministers of the several Government Departments and all officers and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

PART I

CABLE, RADIO, TELEGRAPH AND TELEPHONE COMPANIES

1. (1) Whenever in this Part the expression "company" is used, either in association with such words as "cable" or "telegraph" or otherwise, it shall be deemed to extend to and to include a person or persons, firm or partnership and a body corporate or politic.

(2) Whenever in this Part the expression "Minister" is used, it shall,

- (a) With reference to the operations, offices, works or property of any cable company, and so far as concerns trans-oceanic radio communications to the operations, offices, works or property of any radiotelegraph company, and to the offices, works or property of any land telegraph and telephone company from and to which cable and radio messages may be transmitted and received, be deemed to refer to the Minister of National Defence;
- (b) With reference to the operations, offices, works or property of any telegraph company or any telephone company in respect of land communications not forming part of the classes of communications hereinbefore mentioned, shall be deemed to refer to the Secretary of State of Canada; and
- (c) With reference to the operations, offices, works or property of any radiotelegraph or radiotelephone station, radio broadcasting station or any other class of radio station whether for transmission or reception, or both which do not form part of any of the classes of telecommunications hereinbefore mentioned, shall be deemed to refer to the Minister of Transport.

2. The Minister may:

- (a) Direct and cause the whole or part of the offices, works and property of any cable, radiotelegraph, telegraph or telephone company or any radio apparatus in the possession or under the control of or on the premises of any individual or company within Canada, to be entered and possessed in the name of His Majesty, and on his behalf, and to be used for His Majesty's Service, and subject thereto, for such ordinary service as the Minister may permit;
- (b) Direct any person to assume entire or partial control of the transmission of messages by the cables, apparatus or wires of any company as aforesaid.

3. The Minister may direct any cable, radiotelegraph, telegraph or telephone company to submit to him or to any person authorized by him all cablegrams, telegrams and messages tendered for transmission or arriving by any such company's cable, wires or radio apparatus, or any class or classes of such telegrams, cablegrams or messages, or to deliver the same to him or to his agent; the said Minister may direct any such company to transmit through certain named offices only, all messages (including oral messages tendered to or received by any telephone company) that may be intended to pass out of Canada.

4. The Minister may require any person whom he commissions, directs or authorizes to enter, take possession of or assume control of any office, works or property or part thereof, or of the transmission of messages, pursuant to any regulation of this Part, and also any person employed by or connected with any such company as is mentioned in regulation No. 2, to subscribe to the oath appearing as Schedule "A" hereto.



5. All persons who, pursuant to any regulation of this Part have entered, taken possession of or assumed control of any office, works or property or part thereof, or of the transmission of messages, and also all persons employed by or connected with any such company as is mentioned in Regulation No. 2, shall obey and conform to all such directions issued by the Minister.

## PART II

### Prevention of Circulation or Dissemination of Prohibited Matter.

6. Whenever in this Part the expression "prohibited matter" is used, it shall be construed to mean and include:—

- (a) Any adverse or unfavourable statement, report or opinion likely to prejudice the defence of Canada or the efficient prosecution of the war;
- (b) Any report of, or description of, or reference to the proceedings at any secret session of the House of Commons or Senate, except such report thereof as may be officially communicated by the Secretary of State of Canada.
- (c) Any information with respect to the movements, numbers, description, condition or disposition of any of the armed forces of His Majesty or any allied or associated power or with respect to the plans or conduct or supposed plans or conduct of any operations by any such forces, or with respect to the supply, description, condition, transport or manufacture or storage of war materials, or with respect to any works or measures undertaken for or connected with or intended for the fortification of any place, or any information of such a nature as is calculated to be or might be directly or indirectly useful to the enemy;
- (d) Any photograph, sketch, plan, model or other representation of any naval, military or air force work or of any place which is a "prohibited place" under the Official Secrets Act, of such a nature that such representations thereof are calculated to be or might be, directly or indirectly useful to the enemy;
- (e) Any report or statement intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of allied or associated powers, or to prejudice His Majesty's relations with foreign powers;
- (f) Any report or statement intended or likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces;
- (g) Any report or description or purported report or description of the proceedings at any meeting of the Cabinet of Canada;
- (h) The contents of any confidential document belonging to or any confidential information obtained from any government department or any person in the service of His Majesty;
- (i) Any leaflet or pamphlet relating to the war or to the making of peace which has not printed thereon the true name and address of the author and of the printer thereof;
- (j) Any talking machine record or other recording which is calculated to arouse or to foster hostile national sentiment among people of enemy country origin resident in Canada, or is calculated to arouse antagonism towards any of the measures taken for the prosecution of the war;

- (k) Any abstract of or extract from a publication the possession of which has been prohibited under these Regulations.
- (l) Any advertisement or announcement intended or likely to promote the circulation in Canada of any publication, cinematograph film, picture or talking machine record the possession of which has been prohibited under these Regulations.

7. (1) No person shall, unless with lawful excuse or authority, the proof of which shall lie on him, speak, utter, write, print, publish, post, deliver, receive or have in his possession or on premises in his occupation or under his control, any statement, opinion or report or any letter or other writing or any newspaper, tract, periodical, book, circular or other printed publication or any photograph, sketch, plan, model, record or other representation, containing or consisting of prohibited matter.

(2) No person shall produce any performance on any stage or exhibit any picture or cinematograph film, or perform any act which contains any prohibited matter.

(3) Every such speaking, uttering, writing, printing, publishing, posting, delivering, receiving, having, producing, exhibiting or performing shall be deemed an offence against these Regulations.

8. The Postmaster General or any one authorized by him may, for the purpose of preventing the publication, circulation or distribution of prohibited matter, ascertain the contents of any newspaper, tract, periodical, book, circular or other printed matter, or of any written matter or of any photograph, sketch, plan, recording or other representation which may be passing through or dealt with in any manner in the mails of Canada.

9. The Postmaster General may appoint a Director of Postal Censorship for Canada, who shall have charge under the said minister of the carrying out of the provisions of such of these Regulations as apply to the post office service.

10. The Secretary of State of Canada, whenever he shall be satisfied that any newspaper, tract, periodical, book, circular, or other printed publication contains or has contained prohibited matter, may prohibit the possession or distribution within Canada of any issue or copy of such newspaper, tract, periodical, book, circular or other printed matter. Such prohibition may be limited to the possession or distribution of one or more numbers, issues or editions of such newspaper, tract, periodical, book, circular or other printed matter, or in case the said Secretary of State shall determine that special circumstances so warrant, he may extend such prohibition to past and future numbers, issues or editions as well.

(2) From and after the publication by the Secretary of State of Canada in the *Canada Gazette* of a Notice of such prohibition, every number, issue, or copy of such newspaper, tract, periodical, book, circular or other printed matter so prohibited shall for all purposes and by all courts and authorities be conclusively deemed to contain prohibited matter.

11. The Secretary of State of Canada may appoint a person to be censor of the writings, copy or matter printed, or the publications issued at any printing house, printing establishment or works, and any person so appointed shall have the right to enter and visit the premises with any assistant or assistants from time to time and to remain there for such time or times as may be reasonably necessary, and to examine, consider, approve or reject any writing, copy or matter printed or proposed to be printed at or issued for publication from the said premises, and after the appointment of any such person and the notification thereof to the proprietor, manager or person in charge of the said premises no writing copy or other matter shall be printed there or issued for publication



therefrom which is not approved by the person so appointed, and any such printing or issue for publication without such approval shall be deemed an offence against these Regulations.

12. The Secretary of State of Canada may direct all copies of any newspaper, tract, periodical, book, circular or other printed publication, printed, issued, circulated or published in contravention of this Part, to be seized by any peace officer.

13. Nothing in these Regulations shall be deemed to affect the privilege of members of Parliament or any statement made by any such member, as such, in the Senate or House of Commons of Canada.

### Part III

#### Prosecution and Interpretation

14. (1) Any person contravening or failing to observe, abide by or perform any of the provisions of these Regulations, or, being a director or other officer of any incorporated company contravening or failing to observe, abide by or perform any of the provisions of these Regulations, to the knowledge or with the consent of such director or other officer, shall be guilty of an offence against these Regulations.

(2) In any prosecution or proceedings against any such director or officer, the onus of showing that he did not know of or consent to such contravention or failure to observe, abide by or perform shall be upon him.

15. When any prohibited matter is printed, published, produced, exhibited or performed on any premises, the proprietor or other person actually controlling the said premises and the operations carried on therein shall be guilty of an offence against these Regulations; and in case such offender is an incorporated company every director or officer thereof who shall fail to establish that such offence was committed without his knowledge or despite his protest shall be guilty of an offence against these Regulations.

16. Where no specific penalty is provided in these Regulations, any person, who is guilty of an offence under these Regulations, shall be deemed to be guilty of an indictable offence, and shall on conviction be punishable by fine not exceeding five thousand dollars, or by imprisonment for a term not exceeding five years, with or without hard labour, or by both fine and imprisonment; but such person may, at the election of the Attorney-General of Canada, be prosecuted summarily in the manner provided by Part XV of the Criminal Code, and if so prosecuted, shall be punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding twelve months, with or without hard labour, or by both fine and imprisonment.

17. For the purposes of the trial of any person for any offence against any of these Regulations the offence shall be deemed to have been committed either at the place in which the same actually was committed or at any place in Canada in which the offender may be found.

18. The powers conferred by these Regulations are in addition to and not in derogation of, any powers exercisable by members of His Majesty's forces and other persons to take such steps as may be necessary for securing the public safety and the defence of Canada, and nothing in these Regulations shall affect the liability of any person to trial or punishment for any offence otherwise than in accordance with these Regulations.

#### SCHEDULE "A"

In the matter of the War Measures Act.

AND

In the matter of the Censorship Regulations, 19.....

I, ..... of the ..... of .....  
in the ..... of ..... (occupation) Do SOLEMNLY

SWEAR that I will not, until relieved of this obligation by notice in writing from the Minister of ..... transmit or permit to be transmitted any message (by cable, radio, ordinary telegraph or telephone, as the case may be) passing through the office or exchange in which I am employed and intended for delivery outside of Canada, unless I am satisfied on good and reasonable ground that said message contains no matter giving information such as is calculated to be or as might be directly or indirectly useful to the enemy, and that I will to the best of my ability learn the subject matter of all messages, intercept any message containing any such information, and will immediately make known the terms of such message and all facts that I can ascertain as to the identity of the sender thereof to .....

Sworn before me at the ..... of ..... in the .....  
of ..... of ..... this .....  
day of ..... A.D. 19.....

**Order in Council placing Active Militia on war establishment**

P.C. 2482

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence, under date of first September, 1939, reports that, by reason of the present emergency, it is desirable to proceed immediately with the necessary arrangements pertaining to placing the Active Militia on war establishment.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is hereby pleased to authorize the organization forthwith of a Canadian Active Service Force, and for such purpose, under the provisions of Section 20 of the Militia Act, to name as Corps of the Active Militia those Units, Formations and Detachments as set out in Scheduled D annexed.

His Excellency the Governor General in Council, on the same recommendation and pursuant to Section 64 of the Militia Act, is further pleased to place and doth hereby place on active service in Canada, the Units, Formations and Detachments set out in the said Schedule D, and those other Corps and parts of the Militia as set out in Schedule E annexed.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

*Note.—Schedules D and E printed separately.*

Order in Council establishing the Defence of Canada Regulations

P.C. 2483

AT THE GOVERNMENT HOUSE AT OTTAWA

The 3rd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Prime Minister of the United Kingdom has to-day announced that following the failure of the German Government to give an undertaking to withdraw their troops from Poland, the United Kingdom is at war with Germany.

Whereas on September the 1st, 1939, the Government of Canada announced that in the event of the United Kingdom becoming engaged in war in the effort to resist aggression, the Government of Canada has unanimously decided as soon as Parliament meets to seek its authority for effective co-operation by Canada at the side of Britain, and that meanwhile necessary measures would continue to be taken for the defence of Canada, consultations with the United Kingdom would be continued and in the light of all the information at its disposal, the Government would recommend to Parliament the measures which it believed to be the most effective for co-operation and defence.

And whereas under the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, it is provided that the Governor in Council may do and authorize such acts and things and may make from time to time such orders and regulations as he may by reason of the existence of real or apprehended war, invasion or insurrection, deem necessary or advisable for the security, defence, peace, order and welfare of Canada.

And whereas in view of the existence of a state of apprehended war a Proclamation under the said War Measures Act was issued on September the 1st, 1939, and measures for the defence of Canada have been and are continuing to be taken thereunder.

Now, therefore, in order that the Government of Canada may be enabled to take such further action as may in the present emergency be necessary, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the provisions of the War Measures Act is pleased to make the Regulations attached, being the Defence of Canada Regulations, numbered 1 to 64, inclusive, and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

*Note.—Defence of Canada regulations printed by King's Printer.*



Order in Council authorizing re-engagement of ex-members of the  
Royal Canadian Mounted Police

P.C. 2484

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 1st September, 1939.*

The Committee of the Privy Council, on the recommendation of the Minister of Justice, advise that authority be granted for the re-engagement of five hundred (500) ex-members of the Royal Canadian Mounted Police Force at their former rank and pay, and also for the engagement of eleven hundred (1,100) Special Constables for guard duty at vulnerable points—it being understood that pensions now being paid to these ex-members of the Force will remain in abeyance during the course of their re-engagement service.

(Sgd.) H. W. LOTHROP,  
Assistant Clerk of the Privy Council.

Order in Council appointing Commissioner of the Royal Canadian Mounted  
Police, Registrar General of Alien Enemies

P.C. 2485

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd September, 1939.*

The Committee of the Privy Council, on the recommendation of the Minister of Justice, advise that the Commissioner of the Royal Canadian Mounted Police be hereby appointed Registrar General of Alien Enemies.

(Sgd.) H. W. LOTHROP,  
Assistant Clerk of the Privy Council.

Order in Council authorizing constitution of Prize Courts

P.C. 2489

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice, with the concurrence of the Secretary of State for External Affairs and the Minister of National Defence, reports

that it is desirable in the public interest that provision should be made for the constitution of Prize Courts in Canada and for the exercise of Prize Jurisdiction in Canada;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and in virtue of the War Measures Act, is pleased to make and doth hereby make the following orders and regulations:

1. The Exchequer Court of Canada on its Admiralty side is hereby constituted and established a Prize Court and is hereby authorized and required to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships, vessels and goods that are or shall be taken, including aircraft and goods taken upon aircraft, and to hear and determine the same, and according to the course of Admiralty and the Law of Nations, and the statutes, rules and regulations for the time being in force in that behalf, and to adjudge and condemn all such ships, vessels, aircraft, and goods as shall belong to any enemy country or the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of any enemy country or which are otherwise condemnable as prize, which may be brought before such court by any competent authority, including competent authorities of others of His Majesty's dominions.

2. The powers and authorities conferred by this order shall be exercised by such of the judges of the Exchequer Court of Canada and such of the district judges in Admiralty as may be designated from time to time by the Minister of Justice.

3. (1) The Governor in Council may appoint a judge of any provincial Superior Court to be an *ad hoc* judge of the Exchequer Court of Canada on its Admiralty side to hold office and to exercise, during pleasure, the powers and authorities herein provided.

(2) Such judge shall be paid, during the period he continues to hold the office of *ad hoc* judge as aforesaid, such additional salary and expenses out of funds provided by Parliament for the purpose as may be determined by the Governor in Council.

(3) The powers and authorities to be exercised by such judge shall be subject to such limitations as may have been imposed by the Governor in Council upon his appointment.

4. (1) The Governor in Council may appoint a person who is qualified to be appointed a judge of a provincial Superior Court to be a judge of the Exchequer Court of Canada on its Admiralty side to hold office and to exercise, during pleasure, the powers and authorities herein provided.

(2) Such person shall be paid, during the period he continues to hold the office of judge as aforesaid, such salary and expenses out of funds provided by Parliament for the purpose as may be determined by the Governor in Council.

(3) The powers and authorities to be exercised by such person shall be subject to such limitations as may have been imposed by the Governor in Council upon his appointment.

5. The Minister of Justice may designate from time to time, by notice published in the *Canada Gazette*, the judges or persons who are authorized to exercise the powers and authorities under this order, and the places at which they may be exercised, and may designate by name or office the persons who may act as registrars, marshals, and other officers of the court in this behalf.

6. (1) The said court, or any judge thereof, acting under this order shall, pending the making of rules of practice and procedure hereunder or the enactment of legislation in respect of prize by the Parliament of Canada, be governed by the statutes, rules and regulations with regard to prize, including practice and procedure in prize matters, in force in the United Kingdom, from time to time.

(2) Without restricting the generality of the foregoing, the Court shall, for the purpose of making provision for the transfer of proceedings in prize, be governed by and shall apply the Prize Courts Act, 1915, and the Naval Prize (Procedure) Act, 1916, of the Statutes of the United Kingdom, and shall be deemed to be a Prize Court within the meaning of such Acts and shall be empowered to receive upon transfer proceedings from Prize Courts established in other parts of His Majesty's dominions.

7. Rules of practice and procedure in Prize matters may be made from time to time by the Governor in Council.

8. An appeal shall lie to His Majesty in Council from any Order or Decree of the Prize Court which is hereby constituted and established. The appeal shall lie as of right in the case of a final decree and in other cases with the leave of the Court making the Order or Decree. The appeal shall be made in such manner and form and subject to such regulations, including regulations as to fees, costs, charges and expenses, as for the time being govern appeals in Prize matters to His Majesty in Council from Prize Courts exercising jurisdiction elsewhere in His Majesty's dominions. The Prize Court hereby constituted and established shall have all powers which are necessary to enforce within Canada all Orders and Decrees of His Majesty in Council in Prize appeals and all orders of Prize Courts exercising jurisdiction in any of His Majesty's dominions.

9. The provisions of this order shall be effective on and from the 28th day of August, 1939.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

## Order in Council regarding Pensions Regulations

P.C. 2491

AT THE GOVERNMENT HOUSE AT OTTAWA,

Saturday, the 2nd day of September, 1939.

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas subsection 2 of Section 11 of the Pension Act, Chapter 157, Revised Statutes of Canada, 1927, as amended, provides as follows:—

“In respect of military service rendered after the war, pensions shall be awarded to or in respect of members of the forces who have suffered disability, in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died, in accordance with the



rates set out in Schedule B of this Act, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension is made was attributable to military service as such."

And whereas there is no provision in the Pension Act, other than the above, to provide for pensions for members of the Naval, Military or Air Forces of Canada, who, whilst serving on active service, suffer disabilities, or for the dependents of any such members who die;

And whereas in the opinion of the Minister of Pensions and National Health provision should be made to place, during the present emergency, all members of the Naval, Military or Air Forces of Canada serving on active service on a parity with those members of the Forces who served in the Naval, Military or Air Forces of Canada during the "war" as defined in Section 2 (p) of the Pension Act.

Therefore, to that end, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding anything to the contrary contained in the Pension Act or in any other Act or Regulation, is pleased to make the following Regulations, and they are hereby made and established accordingly:—

The Honourable

The Minister of Pensions and National Health.

P.R. 9859.

#### REGULATIONS

1. Subsection 2 of Section 11 of the Pension Act shall not apply to members of the Naval, Military or Air Forces of Canada whilst serving on active service.

2. Except as hereunder provided, the provisions of the Pension Act shall apply in respect of those members of the Naval, Military and Air Forces of Canada who whilst serving on active service suffer disability or death, in like manner and to all intents and purposes as though such members had served in the Naval, Military or Air Forces of Canada during the "war" as defined in Section 2 (p) of the Pension Act.

3. For the purposes of Regulation No. 2 of these Regulations the following provisions of the Pension Act shall not apply:—

- (a) The restriction as to date of birth of a minor child or minor children as mentioned in subsections 9 and 10 of Section 22.
- (b) Section 12A.
- (c) Section 67.

4. These Regulations shall be deemed to come into force and effect on the 1st September, 1939, and shall remain in force and effect until otherwise modified or rescinded by the Governor in Council.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council authorizing censorship regulations—circulation of prohibited matter by cable, radio, telegraph or telephone companies

P.C. 2496

AT THE GOVERNMENT HOUSE AT OTTAWA,

Friday, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2481, dated first September, 1939, certain regulations were made with regard to censorship to be cited as "The Censorship Regulations 1939";

And whereas it is expedient to make provision for the bringing into force of the measures of censorship provided for in the said regulations;

Therefore His Excellency the Governor General in Council, on the recommendation of the Right Honourable the Prime Minister, is pleased to order and it is hereby ordered that the regulations with regard to censorship in respect of cable, radio, telegraph and telephone companies, or in respect of the prevention of circulation or dissemination of prohibited matter, respectively, shall be applied only upon specific direction of the Governor in Council with regard to each class of censorship provided for by the said regulations.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council authorizing expression "Canadian Active Service Force" be substituted for "Canadian Field Force"

P.C. 2498

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 2nd of September, 1939.*

The Committee of the Privy Council, on the recommendation of the Minister of National Defence, advise that the expression "Canadian Active Service Force" be substituted for the expression "Canadian Field Force" wherever the latter appears in the Financial Regulations and Instructions for the Canadian Field Force, as approved by Order in Council of the 31st August, 1939, P.C. 2434, and wherever said latter expression appears in any other Regulations or Instructions issued by or on behalf of the Minister of National Defence.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



Order in Council authorizing further censorship regulations, 1939

P.C. 2499

AT THE GOVERNMENT HOUSE AT OTTAWA

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2481, dated first September, 1939, certain regulations were made with regard to censorship to be cited as "The Censorship Regulations 1939";

And whereas Order in Council P.C. 2496, dated first September, 1939, provided that those of the regulations aforesaid respecting cable, radio, telegraph and telephone companies, or in respect of the prevention of circulation or dissemination of prohibited matter, respectively, shall be applied only upon the specific direction of the Governor in Council with regard to each class of censorship provided by the said regulations;

And whereas the Minister of National Defence reports that it is desirable in the public interest to apply forthwith the said regulations in respect of and to the extent that they relate to cable companies and trans-oceanic radio communications;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to order and doth hereby order and direct that "The Censorship Regulations 1939" shall be applied with respect to the operations, offices, works or property of any cable company, and so far as concerns trans-oceanic radio communications to the operations, offices, works or property of any radiotelegraph company and to the offices, works or property of any land telegraph and telephone company from and to which cable and radio messages may be transmitted and received.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council calling out Units, Formations and Detachments of the  
Auxiliary Active Air Force

P.C. 2500

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, September 2, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, by reason of the existence of grave emergency, it is deemed advisable for the security, defence, peace, order and welfare of Canada, that certain portions of the Auxiliary Active

Air Force be called out for service, and that the portions so called out for service, together with all Officers and Airmen of the Permanent Active Air Force, be placed on active service;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the powers conferred by the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and otherwise, is pleased to call out, and doth hereby call out for service, as of and from the First Day of September, 1939, those Units, Formations and Detachments of the Auxiliary Active Air Force as are set out hereunder:—

No. 111 (Coast Artillery Co-Operation) Squadron

No. 110 (Army Co-Operation) Squadron

No. 112 (Army Co-Operation) Squadron

No. 115 (Fighter) Squadron

No. 118 (Bomber) Squadron

No. 119 (Bomber) Squadron

No. 120 (Bomber) Squadron

His Excellency in Council is hereby further pleased to order that the above Units, Formations and Detachments of the Auxiliary Active Air Force, together with all Officers and Airmen of the Permanent Active Air Force, be as of and from the date aforesaid placed on active service.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

**Order in Council approving application by the Government of the United Kingdom of the War Risks Insurance Scheme to British ships registered in Canada**

*Canada Gazette, 7th October, 1939.*

P.C. 2504

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 2nd September, 1939.*

The Committee of the Privy Council have had before them a report, dated 2nd September, 1939, from the Minister of Transport, representing:—

That requests have been received from owners of British ships registered in Canada that in case of war some arrangement be made for the protection by insurance of such ships;

That the Subcommittee appointed by the Inter-departmental Committee on Defence Co-ordination reported on June 24, 1939, recommending the importance of immediate action by the Canadian Government to approve of the extension of the British War Risks Insurance Scheme to British Ships registered in Canada.

That the General Secretary of the Inter-departmental Committee on Defence Co-ordination, under date of 21st August, 1939, advised the Department of Transport that the report of the said Subcommittee had been approved

by Your Excellency in Council and that the High Commissioner for Canada at London, had been advised to take the necessary action to inform the Government of the United Kingdom of the decision of the Canadian Government in the matter;

That on August 29, 1939, the High Commissioner for Canada in Great Britain cabled the Secretary of State for External Affairs, as follows:—

"No. 318. Your telegram No. 264 United Kingdom Government have agreed to apply War Risks Insurance Scheme to Canadian Ships and are to-day notifying war-risk Association accordingly. Scheme will therefore apply as from to-day for Canadian ships already entered in Association. As for those not yet entered it will apply as from date when entry is accepted by Association. Liability will be 80 per cent of value.

"Long list of Associations in England which are parties to scheme is being sent by air mail to-morrow although particulars could be cabled if desired."

That it is desirable to obtain the approval of Your Excellency in Council of the extension of the British War Risks Insurance Scheme to British Ships registered in Canada on the basis set out in the said telegram No. 318 quoted above.

The Minister therefore recommends that approval be given to the application by the Government of the United Kingdom of the War Risks Insurance Scheme to British ships registered in Canada effective the 29th day of August, 1939, in respect to such ships entered in the Association on that date, and in respect of British ships registered in Canada not entered in the Association on the said date, effective as from the date when entry of such ships is accepted by the Association, and that the liability of the Government of Canada be fixed at eighty per centum of the value of such British ships registered in Canada entered in the Association.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

## Order in Council authorizing Postal Censorship

P.C. 2506

## AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 2nd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2481, dated the 2nd September, 1939, certain regulations were made with regard to censorship to be known as "The Censorship Regulations 1939";



And whereas Order in Council P.C. 2496, dated the 2nd September, 1939, provided that the regulations contained in Order in Council P.C. 2481 cited above, respecting postal censorship or in respect of the prevention of circulation or dissemination of prohibited matter, shall be applied only upon the specific direction of the Governor in Council provided by the said regulations;

And whereas the Postmaster General represents that it is desirable in the public interest to apply forthwith the said regulations in respect of and to the extent that they relate to postal censorship;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Postmaster General, is pleased to order and doth hereby order and direct that "The Censorship Regulations 1939" shall be applied with respect to a postal censorship in Canada.

His Excellency in Council is hereby further pleased to empower the Postmaster General to examine such mails as he deems advisable and to decide the disposition of all letters and other articles found objectionable from a censorship standpoint.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

## Order in Council naming the Depots listed as Corps of the Active Militia

P.C. 2507

### AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 2nd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, by reason of the present emergency, certain additional components of the Active Militia are required;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under the provisions of Section 20 of The Militia Act, is hereby pleased, for the purpose of the Canadian Active Service Force, to name as Corps of the Active Militia the Depots as listed below—

1. A Depot for each squadron of Cavalry and company of Infantry—

The Royal Canadian Dragoons, C.A.S.F., Depots at Toronto, Ontario, and St. Jean, P.Q.

Lord Strathcona's Horse (Royal Canadians), C.A.S.F., Depots at Winnipeg, Manitoba, and Calgary, Alberta.

The Royal Canadian Regiment, C.A.S.F., Depots at London, Ontario, Toronto, Ontario; St. Jean, P.Q., and Halifax, N.S.

Princess Patricia's Canadian Light Infantry, C.A.S.F., Depots at Winnipeg, Manitoba, and Esquimalt, B.C.

Royal 22e Regiment, C.A.S.F., Depot at Quebec, P.Q.



2. A Depot for each of the following—

Royal Canadian Artillery, C.A.S.F., Kingston, Ontario.  
Royal Canadian Horse Artillery, C.A.S.F., Winnipeg, Manitoba.  
Royal Canadian Engineers, C.A.S.F., Halifax, N.S.

3. A District Depot for arms and services other than Cavalry and Infantry, which are shown in 1 and 4

No. 1 District Depot, C.A.S.F., Military District No. 1  
No. 2 District Depot, C.A.S.F., Military District No. 2  
No. 3 District Depot, C.A.S.F., Military District No. 3  
No. 4 District Depot, C.A.S.F., Military District No. 4  
No. 5 District Depot, C.A.S.F., Military District No. 5  
No. 6 District Depot, C.A.S.F., Military District No. 6  
No. 7 District Depot, C.A.S.F., Military District No. 7  
No. 10 District Depot, C.A.S.F., Military District No. 10  
No. 11 District Depot, C.A.S.F., Military District No. 11  
No. 12 District Depot, C.A.S.F., Military District No. 12  
No. 13 District Depot, C.A.S.F., Military District No. 13

4. Depots for each cavalry and infantry unit as mentioned below—

1st Hussars, C.A.S.F., Depot.  
The Fort Garry Horse, C.A.S.F., Depot.  
48th Highlanders of Canada, C.A.S.F., Depot.  
The Hastings and Prince Edward Regiment, C.A.S.F., Depot.  
The Toronto Scottish Regiment (M.G.) C.A.S.F., Depot.  
The Seaforth Highlanders of Canada, C.A.S.F., Depot.  
The Edmonton Regiment, C.A.S.F., Depot.  
The Saskatoon Light Infantry (M.G.) C.A.S.F., Depot.  
The West Nova Scotia Regiment, C.A.S.F., Depot.  
The Carleton and York Regiment, C.A.S.F., Depot.  
The Royal Montreal Regiment (M.G.) C.A.S.F., Depot.  
The Perth Regiment (M.G.) C.A.S.F., Depot.  
The Three Rivers Regiment (Tank) C.A.S.F., Depot.  
The Essex Scottish Regiment, C.A.S.F., Depot.  
The Royal Hamilton Light Infantry, C.A.S.F., Depot.  
The Royal Regiment of Canada, C.A.S.F., Depot.  
The Cameron Highlanders of Ottawa (M.G.) C.A.S.F., Depot.  
1st Battalion, The Black Watch (Royal Highland Regiment) of Canada, C.A.S.F., Depot.  
Les Fusiliers Mont-Royal, C.A.S.F., Depot.  
Le Regiment de Maisonneuve, C.A.S.F., Depot.  
Le Regiment de la Chaudiere (Mitrailleuses) C.A.S.F., Depot.  
The South Saskatchewan Regiment, C.A.S.F., Depot.  
The Calgary Highlanders, C.A.S.F., Depot.  
The Queen's Own Cameron Highlanders of Canada, C.A.S.F., Depot.  
The Winnipeg Grenadiers (M.G.) C.A.S.F., Depot.  
The Westminster Regiment (M.G.) C.A.S.F., Depot.  
The Ontario Regiment (Tank) C.A.S.F., Depot.  
The Lorne Scots (Peel, Dufferin and Halton Regiment), C.A.S.F., Depot.  
The Sherbrooke Regiment (M.G.) C.A.S.F., Depot.

His Excellency in Council is hereby further pleased pursuant to Section 64 of The Militia Act, to place on active service in Canada, the above-named Depots.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

**Order in Council calling out officers and airmen of the Reserve Air Force  
as required**

**P.C. 2511**

**AT THE GOVERNMENT HOUSE AT OTTAWA**

**3rd September, 1939.**

**PRESENT:**

**HIS EXCELLENCY**

**THE GOVERNOR GENERAL IN COUNCIL:**

Whereas the Minister of National Defence reports that, by reason of the existence of grave emergency, it is deemed advisable for the security, defence, peace, order and welfare of Canada, that certain personnel of the Reserve Air Force be called out for service, and placed on active service;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the powers conferred by the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and otherwise, is pleased to authorize and doth hereby authorize the Minister of National Defence to call out for service from time to time such Officers and Airmen of the Reserve Air Force as may be required.

His Excellency in Council is further pleased to order and it is hereby ordered that as of and from the dates such Officers and Airmen are respectively called out for service they be placed on active service.

(Sgd.) **H. W. LOTHROP,**

*Asst. Clerk of the Privy Council.*

**Order in Council regulating Trading with the Enemy—Regulations**

**P.C. 2512**

*Canada Gazette, 11th September, 1939*

**AT THE GOVERNMENT HOUSE AT OTTAWA**

**TUESDAY, 5th day of September, 1939.**

**PRESENT:**

**HIS EXCELLENCY**

**THE GOVERNOR GENERAL IN COUNCIL:**

Whereas the Acting Secretary of State of Canada, with the concurrence of the Acting Minister of Finance, reports that it is expedient to make Regulations under and by virtue of the power vested in the Governor in Council by the War Measures Act, R.S.C. 1927, Chapter 206, with the view of regulating trading with the enemy and the treatment of enemy property;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State, is pleased to make the attached Regulations marked "A" and described as "Regulations respecting Trading with the Enemy, 1939", and they are hereby made and established accordingly.

(Sgd.) **H. W. LOTHROP,**

*Asst. Clerk of the Privy Council.*

**NOTE:** "Regulations respecting Trading with the Enemy, 1939," printed by the King's Printer.

Order in Council approving Censorship Co-ordination Committee

P.C. 2513

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd of September, 1939.*

The Committee of the Privy Council have had before them a report, dated 2nd September, 1939, from the Postmaster General, submitting that in view of the fact that several departments of the Government are responsible for carrying out the provisions of the Censorship Regulations and that as censorship as a whole will be efficient only to the extent to which the activities of the several departments are co-ordinated, he is of the opinion that a Censorship Co-ordination Committee should be set up to supervise and co-ordinate the activities of the several departments.

The Minister, therefore, recommends that a Committee be set up to be called The Censorship Co-ordination Committee to consist of a Chairman, to be appointed by the Governor in Council, and six members, one to be appointed by the Minister of National Defence, two to be appointed by the Minister of Transport, two by the Acting Secretary of State, and one by the Postmaster General.

The Minister further recommends that this Committee be empowered to direct and co-ordinate the censorship activities of the several departments of the Government of Canada.

The Committee concur in the foregoing recommendations, and submit the same for approval.

(Sgd.) H. W. LOTHROP,

*Asst. Clerk of the Privy Council.*

Order in Council retaining services of members of the Naval Forces, the Militia or the Royal Canadian Air Force as Civil Servants—  
if required by their Departments

P.C. 2514

AT THE GOVERNMENT HOUSE AT OTTAWA

The 3rd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Secretary of State reports that there are many persons employed in the Public Service of Canada, who are members of the Naval Forces, the Militia or the Royal Canadian Air Force, as the case may be;

That, pursuant to due authority in that behalf, certain parts of the Naval Forces, the Militia and the Royal Canadian Air Force, in which are comprised many of the persons aforesaid, have been placed on or called into active service;

That there are also certain of such persons who have been called out on service by the Minister of National Defence, pursuant to Regulations made in that behalf;

That it will be necessary, in order to carry on the public service in the several departments of the government, to retain a sufficient number of experienced and qualified men for such purpose, although such persons may have been placed on or called into active service or called out for service as aforesaid;



That there are no provisions respecting the retention in the public service of Canada, should their services therein be so required, of those members of the public service placed on or called into active service or called out for service aforesaid, and, in the opinion of the Minister, it is expedient that such provision be made;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding anything to the contrary contained in any other Act or Regulation, is pleased to make the following Regulation, and it is hereby made and established accordingly:

Any person employed in the Public Service of Canada, who, by reason of his being a member of the Naval Forces, the Militia or the Royal Canadian Air Force, as the case may be, has been or is placed on or called into active service under the authority of the Governor in Council, or has been called out for service by the Minister of National Defence, shall, if the head of the Department or Service of the Government in which he is employed is of the opinion that his services therein should be retained, be so retained for so long as his services are so required, and whilst so retained shall not be liable to serve in that part of the Forces to which he belongs.

This Regulation shall be deemed to come into force and effect as, of, and from, the first day of September, 1939.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council establishing regulations concerning prices of food,  
fuel and other necessities of life

P.C. 2516

*Canada Gazette, 23rd September, 1939*

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA,

The 3rd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas it is deemed desirable to provide safeguards under war conditions against any undue enhancement in the prices of food, fuel and other necessities of life, and to ensure an adequate supply and equitable distribution of such commodities;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred by section 6 of the War Measures Act, 1914, or otherwise vested in the Governor in Council, is pleased to make the annexed regulations and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

NOTE.—“*Regulations Respecting Necessaries of Life*” printed by War Time Prices and Trade Board.



# Order in Council providing for internment of Enemy Aliens

*Canada Gazette, 7th October, 1939*

P.C. 2521

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA,

Monday, the 4th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Secretary of State, with the concurrence of the Minister of National Defence, reports that it is desirable to make provision for the establishment of stations or camps in which enemy aliens may be interned;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and under and in virtue of the provisions of the War Measures Act and of any other law in force in Canada, is pleased to make the following Regulations and they are hereby made and established accordingly:

## REGULATIONS

1. The Minister of National Defence shall appoint a senior officer of the Militia of Canada, who shall be described as the Director of Internment Operations and who shall report to the Secretary of State of Canada.

2. The Director of Internment Operations shall be responsible for the supervision and co-ordination of internment operations throughout Canada.

3. Until otherwise ordered by the Governor in Council, the Department of National Defence shall be responsible for the establishment and maintenance of such internment stations or camps as the Director of Internment Operations may certify to the Minister of National Defence as being necessary, and shall be responsible for providing guards, rations and clothing for the persons interned, and, generally, shall be responsible for the internal discipline and administration of such stations or camps.

4. The Secretary of State of Canada shall appoint such assistants and clerks as may be required by the Director of Internment Operations and whose employment may be authorized by the Treasury Board and, subject to the approval of the Treasury Board, shall fix the salaries and allowances to be paid to such assistants and clerks.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council establishing control of shipping

*Canada Gazette, 7th October, 1939*

P.C. 2524

AT THE GOVERNMENT HOUSE AT OTTAWA,

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport reports that there are on the Canadian Register of Shipping more than four hundred and fifty ships exceeding 500 tons gross tonnage which may engage in voyages between ports outside of Canada or between ports in Canada and ports outside of Canada; and

That it is desirable in the public interest that provision be made to restrict and control the voyages between ports outside of Canada or between ports in Canada and ports outside of Canada of British ships registered in Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, with the concurrence of the Ministers of National Defence, National Revenue and Trade and Commerce, is pleased, under and by virtue of the provisions of the War Measures Act, and of any other law in force in Canada, to make the following regulation and it is hereby made and established accordingly:

REGULATION

(1) From and after midnight of the sixth day of September, 1939, no British ship registered in Canada, whose gross tonnage exceeds 500 tons, shall proceed to sea on any voyage from a port in Canada to a port outside of Canada or vice versa, or from a port outside of Canada to any other port outside of Canada, except under the authority of and in accordance with a licence granted on behalf of the Minister of Transport;

(2) The Minister of Transport is hereby authorized and directed to appoint a Licensing Board composed of representatives of the Departments of National Defence, National Revenue, Trade and Commerce, and Transport, of which the representative of the Department of Transport shall be the Chairman, and the said Board shall have power to grant on behalf of the Minister of Transport the licences required by this regulation, which licences may be special or general with reference to classes of ships and their voyages.

(3) The Minister of Transport is hereby authorized from time to time as occasion may arise to add other persons as members of the said Board, and to substitute as members thereof other persons in place of such members as may from time to time die, resign or become incapable of acting thereon;

(4) If any such ship referred to in paragraph (1) of this regulation proceeds or attempts to proceed to sea in contravention of this regulation, the Master of the ship and the person having the management thereof shall each be guilty of an offence and be liable on summary conviction to a penalty not exceeding \$500, and such ship shall be liable to be forfeited to His Majesty;

(5) Any person acting on behalf of His Majesty may, in relation to any such ship, take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with this regulation, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of this regulation to be effectually taken.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council retaining services of certain Civil Servants and other employees—if deemed necessary

P.C. 2525

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport represents that there are many persons employed in essential services of Canada, namely, the Canadian Broadcasting Corporation, the National Harbours Board, the Canadian National Steamships (West Indies), the Trans-Canada Air Lines, all Railway Companies and Telegraph Companies operating in Canada who are members of the Naval Force, the Militia or the Royal Canadian Air Force, as the case may be;

That, pursuant to due authority in that behalf, certain parts of the Naval Forces, the Militia and the Royal Canadian Air Force, in which are comprised many of the persons aforesaid, have been placed on or called into active service;

That there are also certain of such persons who have been called out on service by the Minister of National Defence pursuant to regulations in that behalf;

That it will be necessary, in order to carry on the essential service aforesaid, to retain a sufficient number of experienced, qualified men for such purpose, although such persons may have been placed on or called out for service as aforesaid; and

That there are no provisions respecting retention in essential services aforesaid of such persons employed in such services who are placed on or called into active service or called out for service, as aforesaid, and in the opinion of the Minister it is expedient that such provision be made.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased, notwithstanding anything to the contrary contained in any other Act or Regulation, to make the following Regulation, and it is hereby made and established accordingly:

REGULATION

(1) Any person employed in the essential services aforesaid, namely: the Canadian Broadcasting Corporation, the National Harbours Board, the Canadian National Steamships (West Indies), the Trans-Canada Air Lines, all Railway Companies and Telegraph Companies operating in Canada—who by reason of his being a member of the Naval Forces, the Militia or the Royal Canadian Air Force, as the case may be, has been or is placed on or called into active service under the authority of the Governor in Council, or has been called out for service by the Minister of National Defence, shall, if the Minister of Transport is of the opinion that his services in the Company, Board or Corporation by which he is employed should be retained, be so retained for so long as his services are so required, and whilst so retained shall not be liable for service in that part of the Force to which he belongs;

(2) This regulation shall be deemed to have come into force and effect as, of, and from the first day of September, 1939.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*



Order in Council calling out for active service certain Units, Formations  
and Detachments of the Auxiliary Active Air Force

P.C. 2532

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, by reason of the existence of grave emergency, it is deemed advisable for the security, defence, peace, order and welfare of Canada, that certain additional portions of the Auxiliary Active Air Force be called out for service, and that the portions so called out for service be placed on active service;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and otherwise, is pleased to call out, and doth hereby call out for service, as of and from the Fourth day of September, 1939, those Units, Formations and Detachments of the Auxiliary Active Air Force as are set out hereunder

- No. 100 Wing Headquarters
- No. 101 Wing Headquarters
- No. 102 Wing Headquarters
- No. 113 (Fighter) Squadron
- No. 114 (Bomber) Squadron
- No. 116 (Fighter) Squadron
- No. 117 (Coast Artillery Co-operation) Squadron.

His Excellency in Council is hereby further pleased to order that the above Units, Formations and Detachments of the Auxiliary Active Air Force be, as of and from the date aforesaid, placed on active service.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council stating—Government Vessels Discipline Act does not  
apply to Government ships transferred to Naval Service

P.C. 2533

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, the Minister of National Defence reports that certain Canadian Government ships are required for Naval purposes, and that the necessary action for their transfer to the Naval Service is being taken from time to time;



Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under the provisions of Section 41 of the Naval Service Act, Chapter 139, "Revised Statutes of Canada 1927," is pleased to order, and it is hereby ordered, that the Government Vessels Discipline Act, Chapter 203, the "Revised Statutes of Canada 1927," shall not apply to such ships whilst the said ships are under the jurisdiction and control of the Naval Service.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council establishing Censorship Regulations in regard to  
circulation of prohibited matter and press censorship

P.C. 2562

PRIVY COUNCIL

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL: .

Whereas, by Order-in-Council of the 1st September, 1939 (P.C. 2481) The Censorship Regulations, 1939, were made and established:

And Whereas, by Order-in-Council of the 1st September, 1939, (P.C. 2496) it was provided that the Regulations with regard to censorship in respect of cable, radio, telegraph, telephone companies or in respect to the prevention of the circulation or dissemination of prohibited matter respectively, should be applied only on specific direction of the Governor-in-Council with regard to each class of censorship provided for by the said Regulations:

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State, is pleased to order and doth hereby order and direct that those sections or parts of the Censorship Regulations, 1939, which relate to the prevention of the circulation or dissemination of prohibited matter, and more particularly in respect to press censorship, shall be applied as of and from the 6th day of September, 1939.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council establishing Censorship Regulations in regard to the  
operations, offices, works or property of radiotelegraph or radio-  
telephone station, radio broadcasting station or any other class of  
radio station

P.C. 2563

PRIVY COUNCIL

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of September, 1939.

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council (P.C. 2481), dated the first day of September, 1939, certain regulations were made with regard to censorship to be cited as "The Censorship Regulations 1939";

And whereas by Order in Council (P.C. 2496), dated the first day of September, 1939, it was ordered that the regulations with regard to censorship in respect of cable, radio, telegraph and telephone companies, or in respect of the prevention of circulation or dissemination of prohibited matter, respectively, shall be applied only upon specific direction of the Governor in Council with regard to each class of censorship provided for by the said regulations;

And whereas the Minister of Transport reports that it is expedient to bring into force the provisions of The Censorship Regulations 1939 with respect to radio communications within Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to order and doth hereby order and direct that those parts or sections of The Censorship Regulations 1939 having reference to the operations, offices, works or property of any radiotelegraph or radiotelephone station, radio broadcasting station or any other class of radio station, whether for transmission or reception or both, which are placed under the direction of the Minister of Transport by the said Regulations, be applied as of and from the sixth day of September, 1939.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council providing protection for Civil Servants placed on or called into Active Service, as regards leave of absence, superannuation, statutory increases, etc.

P.C. 2584

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 7th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Minister of Finance reports that, in the interests of the national welfare, suitable action should be taken to provide for those members of the Public Service who, as members of the Naval, Militia or Air Forces, have been, or may be, placed on or called into active service by the Governor in Council, or who have been or may be, called out for service by the Minister of National Defence;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Finance and under the authority of the War Measures Act, Chapter 206, R.S.C., 1927, is pleased to order and it is hereby ordered as follows, with effect on and from September 1, 1939:

Notwithstanding the provisions of any Act or regulation made thereunder:

1. Any person employed in the Public Service of Canada, as a charge to the Consolidated Revenue Fund, may be treated, subject to the approval of the head of the employing department or division of the Public Service, as being on leave of absence without pay from his civil position during the period he, as a member of the Forces, is placed on, or called into active service by the Governor in Council, or is called out for service by the Minister of National Defence.

2. If such person is a contributor to the Superannuation Fund established under the Civil Service Superannuation Act, Chapter 24, R.S.C., service as a



member of the Forces, as aforesaid, shall be counted as service for the purposes of the said Superannuation Act, but the contributor shall not be obligated to contribute for such service, or for arrears which otherwise would be payable during the period he is serving in the Forces.

3. In the event of death or permanent disablement, for which superannuation annuities are provided by the Civil Service Superannuation Act, during the period of service in the Forces as aforesaid, there may be granted, under the authority of the said Act, the same benefits as the contributor, or his dependents, would have been eligible to have been granted if death or permanent disability occurred when serving in civil capacity at civil rates of compensation.

Provided that the benefits of paragraphs 2 and 3 of this Order shall not be granted to any contributor, if, in the opinion of the Minister of Finance, his conduct in the Forces has been such as to make him unworthy of consideration.

4. Any person granted leave of absence without pay under the authority of this Order shall be eligible, if and when granted an honourable discharge from active service in the Forces to permit his return to his Public Service employment:

- (a) *If on leave of absence from a position subject to the Civil Service Superannuation Act and which he occupies in permanent capacity—* to return to his civil position, and such leave of absence shall not affect his seniority nor be treated as having deferred any statutory increases in compensation which he otherwise would have been eligible to have been granted.
- (b) *If on leave of absence from a position which he held on a temporary certificate of the Civil Service Commission—*to return to employment in the Civil Service in a position equivalent to that which he held at the time he became subject to the provisions of this Order, and such leave of absence shall not preclude his permanent appointment, subject to such examination as the Civil Service Commission may consider necessary, nor be treated as having deferred any statutory increases and compensation which he otherwise would have been eligible to have been granted provided that the deputy head of the employing department may, at any time before the expiration of six months, reject for cause any person so appointed, or may extend the period of probation within which such person may be rejected for another six months.
- (c) *If on leave of absence from a position held in temporary capacity other than by Civil Service Act certificate—*subject to oral examinations only, to be placed on eligible lists established under the Civil Service Act for positions or classes or positions equivalent to that occupied by him, or for any other position for which he may have qualified in a Civil Service Act competition at the time he became subject to the provisions of this Order.

Provided that the benefits of paragraph 4 of this Order shall not be extended to any person who fails, within six months from the date of his discharge, to return to the duties of his position, or to make application to the Civil Service Commission for appointment to a position.

5. No abolition of a position held by a person who is on leave of absence without pay, under the authority of this Order, shall take place until the Minister of Pensions and National Health certifies that all reasonable safeguards have been provided to protect the civil interests of such person.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council establishing further regulations—Trading with  
the Enemy

*Canada Gazette, Supplement—30th September, 1939*

P.C. 2586

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 8th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that, in respect to the Regulations approved by Order in Council (P.C. 2512) of the 5th September, 1939, and described as "Regulations respecting Trading with the Enemy, 1939," it is expedient under and by virtue of the power vested in the Governor in Council by the War Measures Act (R.S.C. 1927, Chapter 206) to make further Regulations to be read with and to form part of the said Regulations;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State with the concurrence of the Minister of Finance, is pleased to make the following Regulations and they are hereby made, enacted and put into force, to be read with and to form part of the Regulations respecting Trading with the Enemy, 1939:—

1 A. During the period from and including the 2nd day of September, 1939, until the date upon which His Majesty the King makes a declaration of the existence of a state of war between Canada and the German Reich, hereinafter referred to as the period of apprehended war, the Regulations respecting Trading with the Enemy shall be deemed to be applicable.

2 A. For the purpose of the application of such Regulations, the expressions therein contained shall be construed, during the period of apprehended war, so as to adapt them for such purpose.

3 A. Without restricting the generality of the foregoing, the following expressions therein contained shall be construed, during the period of apprehended war, for such purpose, in the following manner:—

- (a) The expression "the German Reich" shall be substituted for the expression "any State or sovereign of a State at war with His Majesty," and like expressions.
- (b) The expression "the period of apprehended war" shall be substituted for the expression "the present war," and like expressions.
- (c) The expression "commencement of the period of apprehended war" shall be substituted for the expression "commencement of the present war" and like expressions.
- (d) The expression "period of apprehended war" shall, when the context otherwise permits, be substituted for the expression "state of war."

4 A. Without restricting the generality of the foregoing, the following expressions therein contained shall be construed, both during the period of apprehended war and thereafter, for such purpose, in the following manner:—



- (a) The expression "proclamation by His Majesty" and like expressions shall mean "proclamation by His Majesty acting by and with the advice of the Government of Canada."
- (b) The provisions of Paragraph (1) of Regulation No. 5 shall be construed as if publication of the Regulations in the *Canada Gazette* had taken place at the commencement of the period of apprehended war.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council amending Defence of Canada Regulations—Transfer of  
Aircraft registered in Canada

*Canada Gazette, 7th October, 1939*

P.C. 2590

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 8th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council (P.C. 2483) of September 3, 1939, the Defence of Canada Regulations were made and established, pursuant to the provisions of the War Measures Act, Chapter 206, of the Revised Statutes of Canada, 1927;

And whereas the Minister of Transport reports that it is deemed expedient to amend the said Regulations by the addition thereto of a new Regulation, to be numbered 41A, providing for the transfer of aircraft registered in Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the provisions of the War Measures Act, is pleased to amend the Defence of Canada Regulations, as made and established by Order in Council (P.C. 2483) of September 3, 1939, and they are hereby amended by the addition thereto of a new Regulation, to be numbered 41A, and to read as follows;

"41A. Regulation 41 shall apply to aircraft, as defined in The Air Regulations, 1938, in the same manner and to the same extent as if the expression "aircraft" was used in the said Regulation in the place and stead of the expression "ship", provided that when the expression "aircraft" is so used, any reference in the said Regulation, to a share or mortgage, or to a mortgagee, or to the Canada Shipping Act, 1934, shall be deleted therefrom, as also subsections 5 and 6 thereof."

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council placing Royal Canadian Naval Reserve and Royal Canadian Naval Volunteer Reserve on Active Service

P. C. 2595

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 9th day of September, 1938.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under the provisions of Section 19 of the Naval Service Act, Chapter 139, Revised Statutes of Canada, 1927, is pleased to place and doth hereby place on Active Service all Officers and Ratings of the Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve from such date in each individual case, as may be determined by the Chief of the Naval Staff.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council waiving maximum age limits for entry in the Royal Canadian Navy, Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve

P.C. 2596

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 9th September, 1939.*

The committee of the Privy Council have had before them a report, dated 4th September, 1939, from the Minister of National Defence, submitting that Regulations and Instructions for the Royal Canadian Navy, Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve lay down maximum age limits beyond which it is not permissible to enter Officers and Ratings in the Naval Forces concerned.

The Minister observes that there is a large number of individuals with Naval experience and others who are fully qualified for Naval Service except in respect to their age.

The Committee, therefore, on the recommendation of the Minister of National Defence, advise that authority be granted for the maximum age limits for entry in the Royal Canadian Navy, Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve to be waived in respect to personnel of those forces entered for war service.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

## Order in Council establishing Agricultural Supplies Committee

*Canada Gazette, 7th October, 1939*

P.C. 2621

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 9th September, 1939.*

The Committee of the Privy Council have had before them a report, dated 9th September, 1939, from the Minister of Agriculture, representing that in view of the immediate necessity of mobilizing the Canadian agricultural industry to facilitate maximum export of agricultural supplies to Great Britain and her Allies, and to ensure that the agricultural resources of the Dominion shall be utilized to the best advantage, it is essential that provision be made for constructive direction of agricultural production and for dealing with matters pertaining to the purchase, preparation, and conservation of agricultural products.

The Minister, therefore, recommends that under, and by virtue of, the powers in that behalf conferred on the Governor in Council by the War Measures Act, 1914, an Agricultural Supplies Committee be hereby established to be composed of six officers of the Department of Agriculture, of whom one shall be Chairman, appointed by the Governor in Council on the recommendation of the Minister of Agriculture, such Committee to report to the Minister of Agriculture as and when required to do so by the Minister.

The Minister further recommends that the duties and powers of the Committee be as follows:

1. To direct and regulate through the various Dominion and provincial agricultural services and through Advisory Boards representative of the industry which are already constituted, or which may be established, the production, preparation, and conservation of farm products;
2. To establish Advisory Boards representative of the industry;
3. Subject to the approval of the Governor in Council, to deal with matters pertaining to the purchase of agricultural products;
4. To take measures, with the approval of the Governor in Council, to regulate the distribution of feed, seed, fertilizers, insecticides, fungicides, and other materials for use in the production of farm products;
5. For the purpose of carrying out the provisions of the preceding paragraph, to purchase, store and distribute supplies for use in agricultural production;
6. To initiate and submit to the War-Time Prices and Trade Board measures designed to prevent abnormal relationships in prices of agricultural products, and to prevent abnormal relationships between prices of materials and equipment for use in agricultural production and the prices of agricultural products which would result in unbalanced production;
7. Subject to the approval of the Governor in Council to appoint such officers, clerks and other persons as may be deemed necessary to assist the Committee in the performance of its duties, such appointees to receive such remuneration as the Committee, with the approval of the Governor in Council, shall determine;



8. To establish at any place, or places in Canada, such office, or offices, as may be required for the discharge of the duties of the Committee and provide therefor the necessary accommodation, stationery and equipment;

9. To incur, out of monies provided by Parliament, expenditures for the maintenance of offices, for publicity, for salaries and travelling expenses of appointees of the Committee, for travelling expenses of members of advisory boards and of persons whose services may be temporarily required, and, subject to the approval of the Governor in Council, for the purchase, storage, and distribution of supplies for agricultural production, for assistance in the preparation and conservation of agricultural products and for such other activities as the Committee may be authorized to undertake.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council authorizing Proclamation that a state of war exists between Canada and the German Reich, as and from September 10th, 1939.

P.C. 2626

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 10th September, 1939.*

The Committee of the Privy Council have had under consideration a report, dated 9th September, 1939, from the Right Honourable W. L. Mackenzie King, the Prime Minister of Canada, representing,—

(1) that a state of war exists between the United Kingdom, France and Poland, on the one hand, and the German Reich, caused by unwarranted German aggression; and

(2) that the Militia, the Naval Service and the Air Force have been placed on active service, and certain other provisions have been made for the defence of our coasts and our internal security under The War Measures Act and other existing authorities, pending the decision by the Parliament of Canada upon the policy to be adopted in the circumstances; and

(3) that, in view of the approval by the Parliament of Canada of the Speech from the Throne and of the policy of immediate participation in the war, it is expedient that a Proclamation should be issued declaring the existence of a state of war between Canada and the German Reich.

The Prime Minister, therefore, recommends that the advice of the King's Privy Council for Canada should be submitted to His Majesty the King, with a view to the authorization by him of the issuing of a Proclamation forthwith, to be published in the *Canada Gazette*, to the following effect:—

Declaring that a state of war with the German Reich exists and has existed in Canada as and from September the tenth.

The Committee concur in the foregoing recommendation and submit the same for Your Excellency's approval.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

PROCLAMATION

TWEEDSMUIR  
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To ALL TO WHOM these Presents shall come or whom the same may in anywise concern,  
GREETING:

A PROCLAMATION

ERNEST LAPOINTE,  
Attorney General,  
Canada.

Whereas by and with the advice of Our Privy Council for Canada We have signified Our Approval of the issue of a Proclamation in the *Canada Gazette* declaring that a State of War with the German Reich exists and has existed in Our Dominion of Canada as and from the tenth day of September, 1939.

Now, therefore we do hereby declare and proclaim that a State of War with the German Reich exists and has existed in Our Dominion of Canada as and from the tenth day of September, 1939.

Of all which Our Loving Subjects and all others whom these presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof we have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this tenth day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

W. L. MACKENZIE KING,  
*Prime Minister of Canada.*

Order in Council giving authority to capture and seize all German ships

*Canada Gazette, 7th October, 1939*

P.C. 2629

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 11th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, the Minister of National Defence reports that a state of war existing with the Reich makes it necessary to seize and take possession of enemy ships of any description, together with the cargo and other equipment on board;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to grant and doth hereby grant authority to take all measures necessary to capture and seize all German ships of every description within Canadian waters or upon the high seas, without any allowance of days of grace.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

*Canada Gazette, 12th September, 1939*

# PROCLAMATION

TWEEDSMUIR

[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India;

To ALL To WHOM these Presents shall come or whom the same may in anywise concern,—

GREETING:

# A PROCLAMATION

W. STUART EDWARDS, Deputy Minister of Justice, Canada

Whereas sub-paragraph (7) of Regulation 24 of the Defence of Canada Regulations provides that on the coming into force of the said Regulation public notice thereof shall forthwith be given by Proclamation.

And whereas the said Regulation came into force on the third day of September, one thousand nine hundred and thirty-nine.

Now know ye that we do by this Our Proclamation hereby give public notice of said Regulation numbered 24 of the Defence of Canada Regulations, set out hereunder, dealing with the arrest, detention and internment of enemy aliens in Canada:



24. (1) All enemy aliens in Canada, so long as they peacefully pursue their ordinary avocations, shall be allowed to continue to enjoy the protection of the law and shall be accorded the respect and consideration due to peaceful and law abiding citizens and they shall not be arrested, detained or interfered with, provided they comply with the requirements in respect of registration prescribed in the next following Regulation, unless there is reasonable ground to believe that they are engaged in espionage, or are engaging or attempting to engage in acts of a hostile nature, or are giving or attempting to give information to the enemy, or unless they otherwise contravene any law, Order in Council, or Proclamation.

(2) All enemy aliens who—

- (a) are members of enemy armed forces and who attempt to leave Canada;
- (b) attempt to leave Canada, and in regard to whom there is reasonable ground to believe that their attempted departure is with a view to assisting the enemy;
- (c) are engaged or who attempt to engage in espionage or acts of a hostile nature, or who give or attempt to give information to the enemy, or who assist or attempt to assist the enemy, or who are on reasonable grounds suspected of doing or attempting to do any of the said acts;

shall be arrested and detained.

(3) The power to effect the arrest and detention of all or any person or persons coming within any of the classes mentioned in paragraph (2) of this Regulation shall be vested in the Commissioner, officers and constables of the Royal Canadian Mounted Police and in such other persons as may be authorized so to do by the Commissioner of the Royal Canadian Mounted Police.

(4) The authorities and officers mentioned in paragraph (3) of this Regulation shall be authorized to release any such person so arrested or detained as aforesaid of whose good faith and responsibility they may be satisfied on his signing an undertaking in the form following:

### UNDERTAKING

I, .....at present of.....  
in the Province of.....in the Dominion of Canada, do hereby  
subject

declare that I am a.....

citizen

I now in consideration of my release or exemption from detention as  
subject

a ..... of..... hereby undertake and promise that  
citizen

I will report to such officer or official and upon such terms as the Canadian authorities may from time to time prescribe; that I will carefully observe and obey the laws of Canada and such rules or regulations as may specially be prescribed for my conduct by competent authority; that I will strictly abstain from taking up arms against and from doing any act of hostility towards the Government of this country, and that, except with the permission of the officer or official under whose surveillance I may be placed, I will strictly abstain from communicating to anyone whomsoever any information concerning the existing war or the movement of troops or the military preparations which the authorities of Canada or the United Kingdom or any of His Majesty's

Dominions or any allied or associated Power may make, or concerning the resources of Canada, and that I will do no act and will not encourage the doing of any act which might be of injury to the Dominion of Canada or the United Kingdom or any of His Majesty's Dominions or any allied or associated Power.

Dated ..... day of .....

Witness . . . . .

Signature.....

(5) Any such person so arrested and detained as aforesaid, of whose good faith and responsibility the officer or authority making the arrest is not satisfied, or who refuses to sign such undertaking or who, having signed such undertaking, fails to abide by its terms, shall be interned as a prisoner of war in such place as may be provided by the Department of National Defence; and, if it be deemed necessary that guards be placed on persons so interned, such guards shall be furnished by the Department of National Defence. Pending internment any such person may be confined without warrant in any police station, lock up or gaol, and the keeper or person in control of such police station, lock up or gaol shall take and safely keep any such person so committed until he is interned or released.

(6) All such authorities and officers who may exercise any of the powers prescribed in this Regulation shall report in each case to the Commissioner, Royal Canadian Mounted Police, stating the name, address and occupation of the person detained or paroled, the date and place of detention and generally the circumstances of the arrest and detention and all such information as may be necessary or useful for the purposes of record and identification.

(7) On the coming into force of this regulation public notice thereof shall forthwith be given by Proclamation.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof we have caused these our letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this eleventh day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,  
*Under-Secretary of State.*

Order in Council authorizing Regulations—Sale and Use of Codeine

*Canada Gazette, 7th October, 1939*

P.C. 2635

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 11th day of September, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the provisions of Section 3 of the War Measures Act, being Chapter 206 of the Revised Statutes of Canada, 1927, the Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of the Country;

And whereas the Minister of Pensions and National Health reports that a restriction in the sale and use of Codeine, a drug scheduled in Part II of the Opium and Narcotic Drug Act, (Chapter 144 of the Revised Statutes of Canada as amended) as also of preparations containing quantities of other narcotics similarly scheduled, is necessary in the interests of the general welfare of Canada;

That supplies of Codeine, by reason of the rapid turnover therein, only approximate, in terms of months' supply, one-half that of Morphine, and the consequent prior exhaustion of Codeine supplies, in the absence of fresh imports which are uncertain, would result in inordinate demands upon the Morphine supplies, which are absolutely essential for the use of seriously sick people;

That this situation is also accentuated by the requirements of the Department of National Defence for Morphine in connection with mobilization supplies and the subsequent maintenance thereof, which, however, are well within the present capacity of this Country to supply;

That another factor is that, under normal conditions, more than half the Codeine in Canada is utilized in the manufacture of preparations containing other medicinal ingredients and sold freely to the public by retail druggists without medical prescription;

That five Provinces, under their Pharmacy Act, require medical prescriptions for straight Codeine and preparations containing varying proportions thereof, while in the remaining four provinces there is no control of that kind;

And whereas the Minister is of the opinion that it is necessary to conserve the stocks of all narcotics in Canada, in view of the cessation of supply from normal avenues of receipt, and to restrict the use of Codeine to those purposes found necessary by the Medical, Dental and Veterinary professions, to ensure that present supplies are retained in the form of straight Codeine, unless specially licensed for processing into preparations, and to ensure that no preparations containing, amongst other ingredients, any of the narcotics shown in the Schedule to the Opium and Narcotic Drug Act shall be available to the public except upon prescriptions issued by members of the Medical, Dental and Veterinary professions licensed and in good standing;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health and under the above cited authority, is pleased to make the following Regulations and they are hereby made and established accordingly:

REGULATIONS

1. No straight Codeine in Canada, whether in powder, tablet or liquid form, shall be utilized in the manufacture of preparations containing other



medicinal ingredients, unless a special licence for that purpose has been issued by the Department of Pensions and National Health subsequent to the passing of this regulation; provided that the provisions of this regulation shall not affect the right of a physician, dentist or veterinary surgeon, in the ordinary course of his practice, to compound, or of a retail druggist or the dispenser in a hospital to compound straight Codeine with other medicinal ingredients when filling a specific prescription therefor duly signed and dated by a physician licensed and in good standing, or, insofar as retail druggists are concerned, similar prescriptions signed and dated by dentists and veterinary surgeons licensed and in good standing.

2. No retail druggist shall sell or supply straight Codeine, whether in powder, tablet or liquid form, or preparations containing any quantity of any of the narcotic drugs mentioned in Parts I and II of the Schedule to the Opium and Narcotic Drug Act, mixed with medicinal or other ingredients, except upon the written order or prescription therefor signed and dated by a physician, veterinary surgeon or dentist whose signature is known to the said druggist, or, if unknown, duly verified before such order or prescription is filled. No such order or prescription shall be filled upon more than one occasion, and shall be filed by such retail druggist and be available for subsequent inspection.

3. Any person found in possession of Codeine or preparations containing narcotic drugs mentioned in Parts I and II of the Schedule to the Opium and Narcotic Drug Act, mixed with other medicinal ingredients, save and except under the authority of a licence from the Minister of Pensions and National Health first had and obtained, or other lawful authority, shall be liable to the penalties provided upon summary conviction under the provisions of Section 4 of the Opium and Narcotic Drug Act.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council authorizing R.C.N. ships to co-operate with R.N.

P.C. 2638

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of September, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL—

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under the provisions of Section 20 of the Naval Service Act, Chapter 139, R.S. of Canada 1927, is pleased to grant and doth hereby grant authority for the following ships of the Royal Canadian Navy, together with the officers and seamen serving therein, to co-operate to the fullest extent with the forces of the Royal Navy:

H.M.C.S. *Saguenay*,

H.M.C.S. *Skeena*,

H.M.C.S. *St. Laurent*,

H.M.C.S. *Fraser*,

H.M.C.S. *Ottawa*,

H.M.C.S. *Restigouche*,

H.M.C.S. *Assiniboine* (on commissioning in the Royal Canadian Navy.)

(Sgd.) H. W. LOTHROP  
*Asst. Clerk of the Privy Council.*

Order in Council establishing Regulations—Entry of Enemy Aliens

*Canada Gazette, 7th October, 1939*

P.C. 2653

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of September, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and under the authority of Section 3 of the War Measures' Act, is pleased to make the following regulation and it is hereby made and established accordingly:—

From and after the date hereof and until otherwise ordered, the entry to or landing in Canada shall be and the same is hereby prohibited, of enemy aliens and nationals of any territory now occupied by an enemy country;

Provided that this regulation shall not be held to exclude persons coming within the above-described classes who may be arrested and detained as enemy aliens under the Defence of Canada Regulations or who satisfy the Minister of Mines and Resources that they are opposed to an enemy Government.

(Sgd.) H. W. LOTHROP

*Asst. Clerk of the Privy Council.*

Order in Council establishing Committee of Public Information

*Canada Gazette, 7th October, 1939*

P.C. 2654

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 12th September, 1939.*

The Committee of the Privy Council have had before them a report, dated 12th September, 1939, from the Right Honourable W. L. Mackenzie King, the Prime Minister, submitting with the concurrence of the Postmaster General, the Minister of Labour, the Minister of Pensions and National Health, the Minister of Agriculture and the Minister of Fisheries, that, by reason of the present emergency, it is desirable to provide in the public interest for the appointment of a Committee of Public Information.

The Committee, therefore, on the recommendation of the Prime Minister advise that a Committee of Public Information be established, responsible to the President of the Privy Council or to such other Minister as he may from time to time designate, the Committee to consist of three members, one of whom shall be Chairman, and who shall be empowered, under the supervision of the sub-committee of the Cabinet on Public Information, to collect, co-ordinate and make provision for the appropriate dissemination of information as to the national activities and plans, and such other information as the Governor in Council may from time to time determine, through agencies of publicity of all kinds.

The Committee further advise:

1. That the Committee of Public Information be empowered to engage on a temporary basis, subject to the approval of the Governor in Council, such officers, clerks and other persons as may be deemed necessary to the proper performance of its duties, at such remuneration as the Committee shall, with the approval of the Governor in Council, determine;

2. That all expenses, including necessary travelling expenses, lawfully incurred by the said Committee or the members of their staff, shall be payable out of the moneys provided by Parliament; and

3. That the terms of employment and the remuneration of the members of the said Committee shall be fixed by the Governor in Council.

(Sgd.) H. W. LOTHROP  
*Asst. Clerk of the Privy Council.*

### Order in Council creating Special Reserve, R.C.A.F.

P.C. 2677

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of September, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, in order to provide for the expansion of the Royal Canadian Air Force, it is necessary that there be organized a component thereof to which in the first instance officers of the Reserve Air Force would be posted, and in which personnel on first appointment to, or enlistment in, the Royal Canadian Air Force will be carried, and from which the requisite Air Force personnel will be drawn for service in the several Air Force Units, Formations and Detachments;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order and it is hereby ordered as follows:—

1. There shall be created forthwith a component of the Royal Canadian Air Force designated the Special Reserve Royal Canadian Air Force, the same to comprise such officers and airmen as are under due authority appointed or posted thereto.

2. The Permanent Active Air Force, the Auxiliary Active Air Force, and the Special Reserve Royal Canadian Air Force, and all officers and airmen thereof, are hereby placed on active service in Canada and also beyond Canada, for the defence thereof, as of and from the Thirteenth day of September, 1939.

3. The following Orders in Council, which authorize the calling out for service of the Units, Formations and Detachments of the Royal Canadian Air Force, and officers and airmen thereof, as set out in said Orders in Council, and place these on active service, are hereby cancelled as of and from the said Thirteenth day of September, 1939:—

P.C. 2441, dated 31st August, 1939,  
P.C. 2500, dated 2nd September, 1939,  
P.C. 2511, dated 3rd September, 1939.  
P.C. 2532, dated 5th September, 1939.

(Sgd.) H. W. LOTHROP  
*Asst. Clerk of the Privy Council.*



## Order in Council establishing Prize Court Rules

P.C. 2682

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of September, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL—

Whereas under the provisions of an Order in Council (P.C. 2489), of the 5th of September, 1939, passed pursuant to the provisions of the War Measures Act, the Exchequer Court of Canada, on its Admiralty side, was constituted and established a Prize Court.

And Whereas the said Order in Council provided, under paragraph 6 thereof, that pending the making of rules of practice and procedure thereunder the Court of Judge shall be governed by the rules of practice and procedure in prize matters in force in the United Kingdom;

And Whereas the said Order in Council further provided, under paragraph 7 thereof, that rules of practice and procedure in prize matters may be made from time to time by the Governor in Council;

And Whereas the Minister of Justice reports that it is considered desirable that rules of practice and procedure should now be made.

Now, Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to make the annexed Prize Court Rules which are similar to those of the United Kingdom with certain minor modifications to meet local conditions, and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP

*Asst. Clerk of the Privy Council.*

NOTE: "Prize Court Rules" printed by Department of Justice.

## Order in Council establishing War Supply Board

*Canada Gazette, 7th October, 1939*

P.C. 2696

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15th September, 1939.*

The Committee of the Privy Council have had before them a report, dated 14th September, 1939, from the Minister of Finance, submitting that as this country is now engaged in war and will be called upon to make a very large expenditure of public moneys in connection therewith, it is in the public interest

that a Board be appointed composed of persons of experience in the conduct of business affairs who, under the authority of and responsible to the Minister of Finance, shall have authority to take steps to mobilize, conserve and co-ordinate the economic and industrial facilities available in respect of munitions, supplies and defence projects for the effective prosecution of the present war and to procure munitions and supplies and provide for the execution and carrying out of defence projects and to insure a proper allotment of such munitions and supplies to such agencies as may require same.

The Committee, therefore, on the recommendation of the Minister of Finance, advise that, under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, a Board, to be known as the "War Supply Board," be authorized and that the constitution, powers, duties and regulations under which the Board shall act shall be as follows:—

1. Unless the context hereof otherwise requires,
  - (a) "*Board*" means the War Supply Board;
  - (b) "*Minister*" means the Minister of Finance;
  - (c) "*Munitions of war*" means, arms, ammunition, implements of war, military, naval or air stores, or any articles deemed capable of being converted therein, or made useful in the production thereof;
  - (d) "*Supplies*" includes materials, goods, stores and articles or commodities of every kind including, but not restricting the generality of the foregoing: (i) articles which, in the opinion of the Board, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Board, is, or is likely to be, necessary for, or in connection with, the production, storage or supply of any such article as aforesaid.
  - (e) "*Defence projects*" means buildings, airdromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works.
2.
  - (1) There shall be a Board to be known as the War Supply Board which shall consist of not less than two nor more than five members who shall be appointed by the Governor in Council and who shall hold office during pleasure.
  - (2) Two members of the Board shall form a quorum and the concurrence of at least two members shall be necessary for the execution of any act by the Board and the act of two of its members shall be deemed to be an act of the Board.
  - (3) The Governor in Council may from time to time fill any vacancy among the members of the Board.
  - (4) Except as otherwise directed by the Governor in Council, the members of the Board shall devote their whole time to the business of the Board.
  - (5) The Chairman and the other members of the Board shall be paid such salaries respectively as may be fixed by the Governor in Council.
  - (6) Members of the Board shall be entitled to receive and be paid their actual disbursements for living expenses necessarily incurred by them while absent from Ottawa in connection with the discharge of their duties.
  - (7) If any member is unable at any time by reason of absence, incapacity or other inability to perform the duties of his office, the Minister may appoint temporarily a substitute member upon such terms and conditions as he may determine.

- (8) The headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or at such other place as the Chairman of the Board may decide.
- (9) Every member upon appointment to office shall take and subscribe before the Clerk of the Privy Council an oath which shall be filed in the office of the said Clerk in the following form:

I, .....solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as Chairman (or as member) of the War Supply Board.

*So help me God.*

3. The Board, with the approval of the Governor in Council on the recommendation of the Minister, may employ a secretary, and such professional, technical and other officers, clerks and employees as it may deem necessary for the proper conduct of its business and with such approval may fix their remuneration.

4. The Board, with the approval of the Minister, may make by-laws not inconsistent with the provisions hereof for the direction, conduct and government of its business.

5. It shall be the duty of the Board to examine into and organize the resources of Canada and the sources of supply and the agencies available for the supply of munitions of war and supplies and for the execution and carrying out of defence projects, and the needs present and prospective of the Government and the community in respect thereto, and to insure a proper allotment of such munitions of war and supplies to such agencies as may require same and to recommend to the Minister, and if approved by him to carry into effect, such measures as it may consider necessary with the object of insuring as far as possible that the requirements of the Government of Canada for supplies and munitions of war for the present and future shall be available in such quantity and at such times as the exigencies of the occasion may require.

- (2) In carrying out the provisions of this order the Board may make use of the services of any board, agency or association or of any department of the Government.
- (3) (1) With the approval of the Minister, the Board shall have authority—
  - (a) to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada and to procure the execution and carrying out of defence projects for, during, or respecting the present war, and to enter into contracts therefor;
  - (b) To control or supervise and, if authorized by the Governor in Council, to procure, purchase and acquire and enter into contracts for the procuring, purchasing or acquisition of munitions of war and supplies for any of His Majesty's Governments or for the Government of any Allied or Associated Power.
- (4) In respect of all contracts to be made by the Board or to be entered into on its behalf, the following regulations shall obtain as far as practicable:—
  - (a) tenders shall be called for;
  - (b) purchases shall be made and contracts given at the lowest price offered.

These regulations may be departed from only in cases of urgency due to military considerations of the moment or for other good and sufficient reason, and in any such case the grounds of the departure shall be clearly recorded.



(5) The Board shall assume and take over all the contracts made by or with the Defence Purchasing Board and the work of that Board as from a date to be fixed by Order in Council.

6. (1) The Board may by notice in writing require any person producing, dealing in, or having control of any munitions of war or supplies, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects

(a) the stocks of munitions of war and supplies for the time being held by him and the quantities of same which by virtue of any contract are to be delivered by or to him and the date of delivery thereof, and

(b) the facilities available for producing such munitions of war and supplies or storing stocks thereof.

(2) The Board may by notice in writing require any person executing or carrying out defence projects, or carrying on a business which in the opinion of the Board is suitable for or can be adapted to executing or carrying out defence projects, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as to the facilities available for carrying out such defence projects.

(3) The Board may by notice in writing require any person who has under his control accommodation suitable for the storage of any munitions of war or supplies to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects

(a) The nature and extent of that accommodation;

(b) The period for which any part of that accommodation is already required and the purpose for which it is required; and

(c) The facilities available for making use of the accommodation.

(4) Where a government department or any person or body of persons has, by virtue of any Act or Order in Council power to obtain for any purpose information as to matters with respect to which the Board is empowered by the last three foregoing subsections to require returns to be made:

(a) that department, person or body shall, if so required by the Board, exercise that power for the purpose of assisting the Board in obtaining any such information; and

(b) any such information obtained by that Department, person or body, whether upon a requisition of the Board or otherwise, may notwithstanding anything in any other enactment, be furnished to the Board.

(5) If any person:

(a) fails to make any return which he is required to make under this section; or

(b) knowingly or recklessly makes any untrue statement in any such return;

he shall be guilty of an offence under this Order and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if he be convicted in respect of a failure to make a return and the failure continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which such failure continues, not, however, exceeding a total of five thousand dollars.

7. (1) With the approval of the Governor in Council, on the recommendation of the Minister, the Board may give directions to any person who by virtue

of any contract, whether made with the Board or any government department or authority or any other person, and whether made before or after the coming into force of these regulations, is under an obligation—

- (a) to deliver any munitions of war or supplies; or
- (b) to carry out any defence project;

that any work in connection with such munitions of war, supplies or defence projects shall be given priority over all other work, or shall be given priority over other work to such extent and by such means as may be specified in the directions.

(2) Where the Board is satisfied that any person to whom directions have been given under the foregoing subsection has failed without a reasonable excuse to comply with those directions, the Board, subject to the approval of the Governor in Council, on the recommendation of the Minister, may give that person directions to deliver such munitions of war or supplies or to execute and carry out such defence project within such period as may be specified in the directions.

(3) Where the Board is satisfied that any person—

- (a) producing, dealing in or having control of any munitions of war or supplies, or executing or carrying out defence projects; or
- (b) carrying on a business which in the opinion of the Board is suitable for or can be adapted to producing or dealing in munitions of war or supplies or executing or carrying out defence projects;

having been requested by the Board or another Government Department or authority or any other person concerned to enter into a contract for the delivery of munitions of war or supplies or the carrying out of defence projects on terms which appear to the Board to be fair and reasonable, has refused or failed to enter into the contract, the Board, with the approval of the Governor in Council on the recommendation of the Minister, may give that person directions to deliver any such munitions of war or supplies or to execute or carry out any such defence projects within such period and to or for the Board or any other Government Department or authority or such person as may be specified in the directions.

(4) The period specified in any directions given as aforesaid shall be a period within which, in the opinion of the Board, it is possible for the munitions of war or supplies to be delivered or the defence projects to be executed or carried out having regard to all the circumstances of the case, and any such directions may provide that the obligation to comply therewith within that period shall be conditional on the happening or continuance of circumstances so specified.

(5) Where the Board is satisfied that any person to whom directions have been given under this section has failed without reasonable excuse to comply with the directions, the Board, with the approval of the Governor in Council on the recommendation of the Minister, may authorize any persons to carry on, until the Board otherwise directs and subject to and in accordance with the provisions hereafter contained in this Order, the whole or any part of the business of the person to whom the directions were given.

(6) Where directions are given to any person under this section, then—

- (a) if the directions are given under subsection one or subsection two, the price or remuneration, if any, to be paid in addition to the price or remuneration which would have been payable if the directions had not been given; and
- (b) if the directions are given under subsection three, the price or remuneration to be paid;



shall be such as may be agreed between that person and the Board, or, in default of agreement, such as may be determined to be fair and reasonable, having regard to all relevant considerations, by an arbitrator or arbitrators appointed as hereafter provided.

(7) Where the failure to fulfil any contract, whether made before or after this Order, is due to the compliance on the part of any person with any directions given by the Board under this section, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

8. (1) Where the Board is satisfied that any person—

- (a) Who carries on the business of storing goods; or
- (b) Who produces any munitions of war or supplies;

having been requested to enter into a contract by the Minister of any government department for the storage of any munitions of war or supplies so required on terms which appear to the Board to be fair and reasonable, has refused or failed to enter into the contract, the Board, with the approval of the Governor in Council, on the recommendation of the Minister, may give that person directions to store such munitions of war or supplies for such period and at such place as may be specified in the directions:

Provided that the Board shall not give directions to any person under this section unless it is satisfied—

- (i) that the person has accommodation available at the place specified in the directions for the munitions of war or supplies which he is required to store; and
- (ii) in the case of any such person as is mentioned in paragraph (b) of this subsection, that the munitions of war or supplies which he is required to store are, or could conveniently be, used for or in connection with the production of the supplies mentioned in such subparagraph

(2) For the purpose of the proviso to the foregoing subsection, accommodation shall be deemed to be available for the storage of any munitions of war or supplies if—

- (a) the accommodation is suitable for the storage of such munitions of war or supplies; and
- (b) the accommodation is not already required for any purpose by virtue of any contract; and
- (c) in the case of any such person as is mentioned in paragraph (b) of that subsection, the accommodation is not required for the normal business requirements of that person.

(3) A person for the time being storing munitions of war or supplies in pursuance of directions given under this section shall be under the same liability with respect to loss of or damage to same as he would be if he had agreed to store them for reward.

(4) Where the Board is satisfied that a person to whom directions have been given under this section has failed without reasonable excuse to comply with the directions, the Board, with the approval of the Governor in Council, on the recommendation of the Minister, may authorize any person to carry on, until the Board otherwise directs subject to and in accordance with the provisions hereafter contained in this Order, the whole or any part of the business of the person to whom the directions were given.

(5) Where directions are given to any person under this section for the storage of any munitions of war or supplies, the remuneration for such storage shall be such as may be agreed between that person and the Board, or, in default



of agreement, such as may be determined to be fair and reasonable, having regard to all relevant considerations, by an arbitrator or arbitrators appointed as hereafter provided.

9. (1) For the purpose of the last two foregoing sections, the Governor in Council, on the recommendation of the Minister, shall appoint a panel of arbitrators: and shall appoint one member of the panel to be chairman thereof and another to be deputy chairman thereof.

(2) No person shall be qualified to be chairman or deputy chairman of the said panel unless he is or has been a barrister, advocate or solicitor, of not less than ten years standing.

(3) Where under this Order any matter is to be determined by an arbitrator or arbitrators, it shall be referred to and determined by such member or such three members of the said panel as may be appointed for the purpose by the chairman or deputy chairman thereof.

(4) In any case where three members of the panel are appointed, the award of any two of them shall be binding.

10. (1) The Board may direct any person producing, dealing in, storing or having control of any munitions of war or supplies or executing or carrying out any defence project, to produce to any person authorized for the purpose by the Board any books or documents of any description specified in the directions and to permit the person so authorized to take copies of or extracts from any such books or documents.

(2) If the Board is satisfied that the records kept by any such person as aforesaid are insufficient to enable a fair and reasonable price to be determined, or a fair and reasonable remuneration for the storage of the article or carrying out of the defence project in question to be determined, it may direct that person to keep such records as may be specified in the directions.

(3) If any person fails to comply with any directions given by the Board under this section—

(a) he shall be guilty of an offence under this Order and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if the failure in respect of which he was so convicted continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which the failure continues; not, however, exceeding a total of five thousand dollars, and

(b) With the approval of the Governor in Council, on the recommendation of the Minister, the Board may, without prejudice to the provisions of the last foregoing paragraph, authorize any person to carry on, until the Board otherwise directs and subject to and in accordance with the provisions hereafter contained in this Order, the whole or any part of the business of the person so failing.

11. (1) Where by virtue of the foregoing provisions of this Order any person (hereafter in this section referred to as a "controller") is authorized by the Board to carry on the whole or any part of the business of any other person (hereafter referred to as "the owner")—

(a) the controller may, subject to any instructions of the Board, do all such things as he thinks fit for the purpose of carrying on the business or any part thereof;

(b) the controller may direct the owner or any person employed in connection with the business or any part of the business to furnish to him any estimates, returns or other information relating thereto;

- (c) in carrying on the business or any part thereof, the controller shall be deemed to be acting as the agent of the owner, except that the owner shall not have any right to control the business or such part thereof.

(2) If any person—

- (a) wilfully obstructs a controller in the exercise of any of his functions under the last foregoing subsection; or
- (b) fails to comply with any directions given by a controller under that subsection, or in purported compliance with any such directions furnishes any return, estimate or other information which he knows to be false;

he shall be guilty of an offence under this Order.

12. (1) The Board, with the approval of the Governor in Council, on the recommendation of the Minister, may by order provide that any person—

- (a) producing, dealing in, storing or having control of munitions of war or supplies, or executing or carrying out a defence project; or
- (b) carrying on a business which in the opinion of the Board, is suitable for or can be adapted to producing, dealing in or storing munitions of war or supplies or executing or carrying out a defence project;

shall not be bound, in respect of such matters as may be specified in the order, by any obligation or limitation imposed on that person by or by virtue of any other Act, order, rule, regulation, by-law, contract, agreement or other instrument affecting his functions.

(2) Any order made under this section may be varied or revoked by a subsequent order of the Board, with the approval of the Governor in Council on the recommendation of the Minister.

13. (1) Where any person carrying on an undertaking capable of being used—

- (a) to produce munitions of war or supplies required by any government department board or other public authority for the purpose of the discharge of its functions, or to carry out defence projects or works so required; or
- (b) to produce munitions of war or supplies or execute or carry out defence projects or works which are directly or indirectly required for any of the purposes mentioned in the foregoing paragraph;

and it appears to the Board that the carrying on of that undertaking would be essential in time of war, the Board, with the approval of the Governor in Council, on the recommendation of the Minister, may give to that person directions requiring him to take, within such period as may be specified in the directions, such measures as may be so specified, being measures which in the opinion of the Board are necessary to secure the due functioning of the undertaking in time of war and which that person cannot be required to take under any other enactment.

(2) Where the person carrying on an undertaking proves to the satisfaction of the Board that directions given under this section in respect of that undertaking have been complied with within the period specified therein, or such further period as the Board may allow, there shall be paid to that person by the Board, subject to the approval of the Minister, a grant equal to the appropriate proportion of the expenditure of a capital nature which appears to the Board to have been reasonably incurred in complying with the directions.

(3) If any person fails to comply with directions given to him under this section, he shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if the failure in respect of which he was so convicted



continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which the failure continues, not however exceeding five thousand dollars:

Provided that the court by which any person is convicted of an offence may fix a reasonable period from the date of conviction for compliance by him with the requirements of the directions, and where a court has fixed such a period the said daily penalty shall not be recoverable in respect of any day before the expiration thereof.

14. (1) No information with respect to an individual business which has been obtained under or by virtue of this Order shall be disclosed without the consent of the person carrying on that business.

Provided that nothing in this subsection shall apply to the disclosure of any information—

- (a) to a Government Department, or any person authorized by a Government Department, requiring such information for the purpose of the discharge of the functions of that Department; or
- (b) for the purposes of any prosecution for an offence under this Order or any arbitration under this Order.

(2) If any person discloses any information in contravention of this section, he shall be guilty of an offence under this Order.

15. It shall be the duty of the departments or agencies of the Government and all officers and employees thereof to afford to the Board all available information in regard to any of the matters falling within the scope of the duties and powers of the Board as set out in these Regulations and to co-operate with it in the performance of such duties and the exercise of such powers whenever required by the Board to do so, and all relevant departmental and other records, documents, and papers shall be made available to the Board.

16. Before any contract is entered into by the Board, authority for the expenditure must be given by the Governor in Council. This authority may be a general authority for making the expenditures necessary to effect any of the transactions authorized by these Regulations or it may be a specific authority approving of the procuring, purchase, or acquisition of certain supplies and munitions of war, and all Orders in Council granting such authority shall be made on the recommendation of the Minister based on the report of the Board.

17. The Board shall be furnished with such office accommodation as may be necessary by the Department of Public Works.

18. The Board shall maintain such records of its transactions as the Minister may direct.

19. The Board shall as soon as possible after the termination of each fiscal year submit to the Minister an annual report covering all transactions of the Board in such form as the Minister may prescribe.

20. (1) Any person guilty of an offence under this Order for which no penalty is otherwise expressly provided by this Order shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred dollars, or to both such imprisonment and such fine; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand dollars, or to both such imprisonment and such fine.



(2) Where any offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

21. The provisions of this Order shall be effective notwithstanding anything contained in the Defence Purchases, Profits Control and Financing Act, 1939, or any other statute or law.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

**Order in Council appointing Committee to plan organization—  
War Supply Board**

**P.C. 2697**

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15th September, 1939.*

The Committee of the Privy Council have had before them a report dated 14th September, 1939, from the Minister of Finance submitting that it is in the public interest that immediate action be taken to arrange for the organization of a War Supply Board and to co-ordinate the work of that Board with other war supply agencies or departments.

The Minister therefore recommends that under and by virtue of the War Measures Act, Chapter 206 of the revised Statutes of Canada, 1927, Gordon W. Scott, Esq., of Montreal, and Watson Sellar, Esq., Comptroller of the Treasury, be appointed, without salary, joint directors for the purpose of making plans regarding the personnel accommodation and general organization of the War Supply Board and working out the preliminary organization of the War Supply Board so as to facilitate the prompt functioning of the said Board when the members thereof are selected, and having in view as well the desirability of consolidating, so far as may be found practicable, the work of the War Supply Board and that of the Defence Purchasing Board and of any other department or branch of the Government of Canada in connection with the purchase or acquisition of munitions of war and supplies; such joint directors to report to and be responsible to the Minister of Finance.

The Minister further recommends that the said joint directors shall have power, subject to the approval of the Minister of Finance, to employ such persons as may be necessary to carry out the provisions hereof; that the Department of Public Works shall supply such accommodation and equipment as the said directors may deem necessary for the purposes hereof, and that the expenses incurred by the said joint directors in carrying out the provisions hereof be paid out of the appropriation for the office of the Comptroller of the Treasury.

The Minister also recommends that the said joint directors shall report to, and be subject to the direction of, the Minister of Finance.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

## Order in Council establishing Economic Advisory Committee

P.C. 2698

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 14th September, 1939.*

The Committee of the Privy Council have had before them a report, dated September 12, 1939, from the Prime Minister, submitting with the concurrence of the Minister of Finance, that, with a view to

- (1) facilitating the work of the Committees of the Cabinet to which have been assigned the responsibility for supervising Governmental policy in the fields of supply and of war finance;
- (2) avoiding duplication of effort by the Departments of Government and the special agencies which have been created to deal with particular problems of war economy; and
- (3) ensuring the effective co-ordination of economic and financial policy in wartime;

it is expedient to establish an Advisory Committee on Economic Policy, whose duty it shall be of its own motion or upon request of any Minister of the Crown, to investigate, report and advise upon questions of economic and financial policy and organization arising out of Canadian participation in the war, and to report to the Cabinet Committee on General Policy, on Supply or on Financial Questions as the case may be.

The Prime Minister, therefore, with the concurrence of the Minister of Finance, recommends that such an Economic Advisory Committee be set up with terms of reference as above set forth, and that the following persons shall be members of the Committee:

W. C. Clark, Deputy Minister of Finance.

G. F. Towers, Governor of the Bank of Canada.

H. D. Scully, Commissioner of Customs.

H. B. McKinnon, Chairman of the Wartime Prices and Trade Board.

G. S. H. Barton, Deputy Minister of Agriculture.

Charles Camsell, Deputy Minister of Mines and Resources.

L. D. Wilgress, Director of the Commercial Intelligence Service.

R. H. Coats, Dominion Statistician.

Lt.-Col. Henri DesRosiers, Associate Deputy Minister of National Defence.

N. A. Robertson, Department of External Affairs.

A representative of the Department of Munitions and Supply.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council authorizing Defence Purchasing Board regulations  
re contracts

*Canada Gazette, 7th October, 1939*

P.C. 2709

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 15th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance reports that, owing to the outbreak of war and the great urgency of obtaining supplies and munitions of war and of executing and carrying out defence projects promptly, it is in the public interest, as a temporary measure pending the organization of the War Supply Board and the taking over by that Board of the work of the Defence Purchasing Board and until the date on which the said Board is organized and commences to function, which said date shall be declared by Order in Council, that the Defence Purchasing Board shall have wider authority than is conferred by Chapter 42 of the Statutes of Canada, 1939, the Defence Purchases, Profits Control and Financing Act, 1939.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is hereby pleased to order as follows:—

1. Notwithstanding anything contained in the said Act, the Defence Purchasing Board may make contracts for defence equipment or defence projects which involve expenditure either in excess of Five Thousand dollars or of less than that amount, and with the approval of the Minister of Finance may execute contracts on behalf of His Majesty which involve an expenditure of less than Five Thousand dollars.

2. The contracts Branch of the Department of National Defence shall, pending the organization of the War Supply Board, be subject to the direction and supervision of the Defence Purchasing Board, and from and after the date to be declared as aforesaid upon which the War Supply Board commences to function, the officers, clerks and employees of the said Contracts Branch shall be transferred to the staff of the said War Supply Board.

3. The following provisions shall apply to the Defence Purchasing Board in lieu of the provisions under sub-sections Four and Five of section Four of the said Defence Purchases, Profits Control and Financing Act, 1939, namely:

In respect of all contracts to be made by the Board or to be entered into on its behalf, the following regulations shall obtain as far as practicable:

(a) tenders shall be called for;

(b) purchases shall be made and contracts given at the lowest price offered.

These regulations may be departed from only in cases of urgency due to military considerations of the moment or for other good and sufficient reason, and in any such case the grounds of the departure shall be clearly recorded.

4. On account of the considerations referred to in the first paragraph hereof, Section 7 of the said Defence Purchases, Profits Control and Financing Act, 1939, shall not be applicable to or binding upon the Defence Purchasing Board or to any contract entered into by the Board after the date of the



coming into force of this Order until the said date, to be declared as aforesaid, upon which the War Supply Board commences to function.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

*Canada Gazette, 15th September, 1939*

## PROCLAMATION

TWEEDSMUIR  
[L.S.]

## CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come or whom the same may in anywise concern,  
GREETING:

## A PROCLAMATION

W. STUART EDWARDS,  
Deputy Minister of  
Justice, Canada.

Whereas in and by Section Six of an Act of the Parliament of Canada, assented to on the fifth day of July in the year of Our Lord one thousand nine hundred and thirty-five, and intituled "An Act respecting the establishment of an Exchange Fund," being Chapter Sixty of the Statutes of Canada 1935, it is provided that the said Section of the said Act shall come into force on a day to be fixed by proclamation of Our Governor in Council.

And whereas it is expedient that the said Section of the said Act should come into force and have effect upon, from and after the sixteenth day of September in the year of Our Lord one thousand nine hundred and thirty-nine.

Now know ye that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that the said Section of the said Act shall come into force and have effect upon, from and after the sixteenth day of September in the year of Our Lord one thousand nine hundred and thirty-nine.

Of all which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-Beloved John, Baron Tweedsmuir of Elsfeld, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this fifteenth day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,  
*Under-Secretary of State.*

Order in Council creating Foreign Exchange Control and Regulations

*Canada Gazette, 15th September, 1939*

P.C. 2716

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY the 15th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the Order and Regulations attached hereto under the title of The Foreign Exchange Control Order and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,

*Asst. Clerk of the Privy Council.*

FOREIGN EXCHANGE CONTROL ORDER AND REGULATIONS

ORDER

1. These provisions may be cited as the Foreign Exchange Control Order.
2. In this Order, unless the context otherwise requires,
  - (a) "Authorized dealer" means an authorized dealer in foreign exchange appointed by or under the authority of this Order, and when used with reference to any applicant or declarant means the authorized dealer designated in his application or declaration and being the authorized dealer or one of the authorized dealers with whom such applicant or declarant ordinarily does business;
  - (b) "Board" means the Foreign Exchange Control Board established by this Order;
  - (c) "Canadian currency" includes bank notes, postal notes, money orders, travellers' cheques, letters of credit, bank drafts and other similar instruments payable in Canadian dollars;
  - (d) "Canadian securities" means securities issued by any Canadian Government, municipal or other authority or by any society, company or corporation whose head office is in Canada, excluding any securities which are payable, or any dividends or interest on which are payable, or the principal amount of which is expressed, otherwise than exclusively in Canadian dollars.
  - (e) "Foreign currency" means any currency other than Canadian currency;
  - (f) "Foreign exchange" includes any foreign currency and any bank balance or other deposit, bill of exchange, cheque, draft, letter of credit or other similar credit instrument, order to pay or promise to pay, which is payable in any foreign currency whether absolutely or conditionally or optionally or otherwise;
  - (g) "Foreign securities" means securities issued by or on behalf of any government, municipal or other authority outside Canada or by any society, company or corporation whose head office is outside Canada, and any securities which are not payable, or any dividends or interest on which are not payable, or the principal amount of which is not expressed, exclusively in Canadian dollars.

- (h) "Minister" means the Minister of Finance.
- (i) "Non-resident" means any person other than a resident and for the purposes of this Order a branch or agency outside Canada of any resident shall be deemed to be a non-resident and a separate entity from such resident.
- (j) "Person" includes persons and bodies of persons, firms, corporations, associations, municipal authorities and all other entities of a kind or class known to the law in any part of Canada, including both residents and non-residents whether within Canada or outside Canada, and including His Majesty whether in right of Canada or in right of any Province or otherwise.
- (k) "Resident" means any person ordinarily resident in Canada, but excluding any branch or agency outside Canada of any resident and the Board shall have full power to determine who is or shall be deemed to be a resident for the purposes of this Order.
- (l) "Securities" includes stock, shares, bonds, debentures, debenture stock and other obligations and rights, whether registered or in bearer form, issued by or on behalf of any government, municipal or other authority, society, company or corporation whether within or without Canada and regardless of the place of registration (if any) of such securities or the situs of any certificates or other instruments representing the same.

3. This Order shall come into force on the sixteenth day of September, one thousand nine hundred and thirty-nine.

## PART I

### CONSTITUTION, MANAGEMENT AND POWERS OF THE FOREIGN EXCHANGE CONTROL BOARD

4. (1) There shall be and is hereby established a Board, under the name of the Foreign Exchange Control Board, which shall consist of five members holding office during pleasure of the Minister. The first members of the Board shall be, Graham Ford Towers, Governor of the Bank of Canada, William Clifford Clark, Deputy Minister of Finance, Hugh Day Scully, Commissioner of Customs, Department of National Revenue, Leolyn Dana Wilgress, Director of Commercial Intelligence Service, Department of Trade and Commerce, and Norman Alexander Robertson, First Secretary, Department of External Affairs. Each member may at any time and from time to time appoint an alternate to act in his place and stead. The Minister may replace any member and fill any vacancy that may arise.

(2) All letters and other mailable matter addressed to or sent by the Board and passing between any office of the Board and any place in Canada shall be free of Canada postage.

5. The Board shall have the powers, rights, privileges, duties and responsibilities in this Order expressly or by implication contained.

6. (1) There shall be a Chairman and Deputy Chairman of the Board to be selected by the members of the Board from among their number.

(2) The Board shall hold meetings at such time and place as the Chairman may decide, or as the Minister may require.

(3) The Minutes of any meeting of the Board or any certified copy thereof, or extract therefrom, signed by the Chairman or Deputy Chairman, shall be conclusive evidence of any transaction or decision therein recorded.

7. Upon the request of the Board the Minister may appoint advisors to assist the Board.



8. (1) The Bank of Canada is hereby appointed technical advisor to the Board and an authorized dealer under this Order, and by agreement with the Board is authorized to act as Agent or banker for the Board and to deal in foreign exchange and otherwise assist or act on behalf of the Board.

(2) The Board may appoint agents for such purposes as the Board may determine.

(3) Anything done on behalf of the Board by any agent or servant of the Board within the scope of his authority shall for the purpose of this Order be of the same force and effect as if done by the Board.

9. At the request of the Board the Governor in Council may transfer any member of the Civil Service of Canada or any other servant of His Majesty in right of Canada to assist or serve the Board as the Board may determine, and any person so transferred shall not thereby lose any of his rights or privileges.

10. The Board may incur and pay such salaries and expenses as it may deem necessary in the course of carrying out the provisions of this Order.

11. (1) Unless otherwise ordered by the Minister in writing, the powers conferred on the Minister in sections 6 & 7 of the Exchange Fund Act, Chapter 60 of the Statutes of Canada, 1935, may be exercised by the Board, subject, however, to any instructions which the Minister may from time to time give to the Board.

(2) Subject only to the provisions of Section 5 of the Exchange Fund Act, and unless otherwise ordered by the Minister in writing, all moneys in the special account referred to in Section 4 of the said Act, and investments of such moneys, shall be at the disposal of the Board and may be used or dealt with by the Board as the Board may deem necessary or as the Minister may direct for the purposes of the Exchange Fund Act or of this Order including the payment of any expenses or losses of the Board and the acquisition or disposition of foreign exchange, and all receipts or profits of the Board shall be placed in the said special account; all transactions affecting the said special account by or on behalf of the Board under this Order shall be and be deemed to be duly authorized under the Exchange Fund Act.

12. The provisions of The Consolidated Revenue and Audit Act, 1931, shall not apply to operations or transactions of the Board. An annual audit of the operations and transactions of the Board shall be made by the Auditor General in such manner as he thinks proper and he shall certify to the House of Commons that in his opinion, having regard to such examination, the transactions of the Board have or have not been in accordance with the provisions of this Order and that the records of the Board do or do not show truly and clearly such transactions. The annual audit to be made by the Auditor General under this section shall take the place of the annual audit specified in Section 9 of the Exchange Fund Act.

## PART II

### CONTROL OF FOREIGN EXCHANGE AND FOREIGN TRADE AND RELATED MATTERS

#### *Foreign Exchange*

13. No person shall purchase, borrow or otherwise acquire, or sell, lend or otherwise dispose of, deal in, or deal with any foreign exchange, whether absolutely or conditionally or by way of arbitrage or otherwise, as principal or agent or otherwise whosoever, except as may be permitted by or under the authority of this Order.

14. (1) All foreign exchange which, or any right, title or interest in or to which, is in the possession, ownership or control of any resident of Canada at the time of coming into force of this Order shall, unless the Board otherwise provides, be forthwith declared to the Board, in such manner as the Board may determine and shall not be used or dealt with except as permitted by the Board.

(2) The Board may at any time require all or any of such foreign exchange, or the right, title or interest of such resident therein, to be sold or assigned to the Board or to an authorized dealer at rates prescribed by the Board.

15. Any person who, at any time after the coming into force of this Order, acquires possession, ownership or control of any foreign exchange, or of any right, title, or interest in or to any foreign exchange, shall, unless the Board otherwise provides, forthwith declare the same to the Board in such manner as the Board may determine, and offer the same for sale or assignment to an authorized dealer at rates prescribed by the Board; provided, however, that this section shall not apply with respect to any foreign exchange purchased by such person from an authorized dealer pursuant to this Order and required for the purposes for which it was so purchased, nor with respect to any foreign exchange brought into Canada by a non-resident unless such non-resident desires to sell the same.

#### *Transfer of Canadian Currency to Non-Residents*

16. No Canadian currency or any right, title or interest therein or thereto shall be paid or transferred by any resident of Canada to any non-resident, or transferred from the account of a resident to or to the account of a non-resident, except under licence or permit granted by the Board; provided that the Board may exempt any such transfer from the provisions of this section.

#### *Foreign Securities*

17. All foreign securities which, or any right, title or interest in or to which, are in the possession, ownership or control of a resident of Canada at the time this Order comes into force, shall, unless the Board otherwise provides, be forthwith declared to the Board in such manner as the Board may determine; such foreign securities may be bought and sold within Canada, but shall not be exported or imported except as permitted by the Board.

18. (1) The Board may by regulation and by public notice require that any foreign securities described therein shall be transferred to His Majesty in right of Canada, at the price (to be paid by the Board) specified in such regulation, being a price which in the opinion of the Board is not less than the value thereof at the date of such regulation and public notice thereof.

(2) On the making of any such regulation and public notice thereof, the securities therein specified and all right, title or interest in or to such securities capable of being affected by such regulation and notice shall forthwith vest in His Majesty in right of Canada free from any charge or encumbrance, and the Board shall have all necessary powers as agent of His Majesty to sell, transfer and otherwise deal with such securities as it may think fit.

(3) Any person affected by any such regulation and notice, whether as owner, trustee, beneficiary or otherwise, and any person who is responsible for keeping any register or book in which any such securities are registered or inscribed, shall do all such things as are necessary or as the Board may direct for the purpose of ensuring that such securities shall be delivered to the Board and in the case of any registered or inscribed security registered or inscribed in the name of His Majesty in right of Canada or such person as the Board may direct.



(4) Such regulation or notice shall not apply to any securities with respect to which satisfactory evidence is presented to the Board that at all times since the date on which this Order comes into force, all the persons interested in such security, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge created before the said date, but including any persons beneficially interested therein under a trust, were not resident in Canada.

(5) The Board may exempt any securities or the holders thereof from any provision of this section.

### *Exports*

19. (1) No person shall export any goods, currency, securities, foreign exchange or other property from Canada except under and in accordance with the terms of a licence granted by the Board; provided that this subsection shall not apply to any property which has been accepted for export by any transportation agency prior to the date on which this Order comes into force.

(2) No person shall accept payment in Canadian dollars for any property exported or to be exported by him, except under and in accordance with the terms of a permit granted by the Board authorizing the acceptance of payment in such manner; except that, unless the Board otherwise provides, this subsection shall not apply with respect to any sale for export entered into prior to the date on which this Order comes into force and calling for payment of the purchase price or other consideration in Canadian dollars.

(3) This section shall not apply in any case in which the Board grants exemption by regulation or otherwise.

20. (1) The Board may provide for different kinds of export licences and permits for use in such circumstances as the Board may determine.

(2) Unless the Board otherwise provides every application for an export licence or permit shall designate the applicant's authorized dealer.

(3) The Board may impose conditions on any export licence or permit and may revoke or amend any such licence or permit at any time.

(4) Unless the Board otherwise provides a licence or permit to export shall not authorize or be deemed to authorize any exportation, or the doing of any act by the holder thereof which would not have been lawful if this Order had not been made.

21. It shall be a condition of every licence to export whether or not expressly contained therein, that the proceeds in foreign exchange, if any, of the sale of all property exported or to be exported thereunder shall be declared and offered for sale as provided in section 15 hereof.

### *Imports*

22. (1) No person shall import any goods, currency, securities or other property into Canada except under and in accordance with the terms of a licence granted by the Board; provided that this subsection shall not apply to any property which has been shipped to Canada from the country of export prior to the date on which this Order comes into force.

(2) No person shall make payment in Canadian dollars for any property imported or to be imported by him, except under and in accordance with the terms of a permit granted by the Board authorizing the making of payment in such manner, except that, unless the Board otherwise provides, this subsection shall not apply with respect to any purchase for import entered into prior to the date on which this Order comes into force, and calling for payment of the purchase price or other consideration in Canadian dollars.



(3) This section shall not apply in any case in which the Board grants exemption by regulation or otherwise.

23. (1) The Board may provide for different kinds of import licences and permits for use in such circumstances as the Board may determine.

(2) Unless the Board otherwise provides, every application for an import licence or permit shall designate the applicant's authorized dealer.

(3) The Board may impose conditions on any import licence or permit and may revoke or amend any such licence, or permit at any time prior to actual shipment of the relative goods or other property to Canada from the country of export.

(4) Unless the Board otherwise provides, a licence or permit to import shall not authorize or be deemed to authorize any importation or the doing of any act by the holder thereof which would have been lawful if this Order had not been made.

### *Rates of Exchange*

24. (1) The Board shall from time to time communicate to authorized dealers rates of exchange at which foreign exchange in such currencies as the Board may designate may be purchased or sold pursuant to this Order.

(2) Wherever any authorized dealer has power to fix a rate of exchange for any transaction, the rate to be fixed shall, unless the Board otherwise provides, be such rate then prevailing as has been prescribed by the Board for the relative transaction or kind of transaction.

### *Applications to Buy or Sell Foreign Exchange*

25. (1) Every person other than an authorized dealer desiring to buy or sell foreign exchange shall make application to an authorized dealer, who may fix the rate of exchange subject to the provisions of this Order.

(2) The fixing of a rate of exchange shall, unless the Board otherwise provides, constitute a permit to the applicant to buy from or sell to the authorized dealer as the case may be, the relative foreign exchange for the purposes stated therein.

26. The authorized dealer may submit any application to the Board, and shall submit to the Board any application the approval of which is not within his authority. The Board may approve or reject in whole or in part any application made to the Board or made to an authorized dealer and submitted by such authorized dealer to the Board. In approving an application to buy or sell foreign exchange the Board may fix the rate of exchange therefor.

27. The fixing of a rate of exchange for the sale to or purchase from an authorized dealer of any foreign exchange shall constitute an undertaking by the authorized dealer to buy and by the applicant to sell, or an undertaking by the authorized dealer to sell and by the applicant to buy, as the case may be, the amount of foreign exchange specified at the rate so fixed and at such time as may be agreed, unless an extension of time be granted by the Board.

28. (1) No authorized dealer shall have power to fix a rate of exchange for foreign exchange required by an applicant for any purpose, unless the application is in the opinion of such authorized dealer for normal requirements as hereinafter defined.

(2) Normal requirements, for the purposes of this section, shall mean with relation to any application.

- (a) Foreign exchange for payment for goods imported or to be imported into Canada within the usual scope of the applicant's business.
- (b) Foreign exchange for payment for services of a normal nature such as insurance premiums and claims, agents' commissions, salaries, freights, dues, patent rights, royalties and other payments of a like character.
- (c) Foreign exchange for reasonable travelling expenses or personal expenses.

29. Any person other than an authorized dealer desiring to purchase or sell foreign exchange in a currency for which no rate of exchange has been prescribed by the Board, may do so by arrangement with an authorized dealer upon making application as hereinbefore provided to purchase or sell such amount of foreign exchange in a currency for which a rate of exchange has been prescribed by the Board as the parties may agree to be the equivalent of the amount of foreign exchange first mentioned, subject always to the regulations and instructions of the Board; in any such case the authorized dealer shall make available to or accept from the applicant the foreign exchange first mentioned, and shall account to the Board for the said equivalent amount of foreign exchange secondly mentioned.

30. Unless the Board otherwise provides, every person desiring to obtain foreign exchange to be used for the payment of interest on any loan, or for repayment or amortization of any loan or any part thereof, or for the redemption of any securities or for the payment of dividends, or for any purpose incidental to any of the foregoing, shall apply therefor at least thirty days prior to the date on which such foreign exchange is required, and every such application shall be submitted to the Board by the authorized dealer.

*Applications for Permission to Transfer Canadian Currency from a Resident to a Non-Resident*

31. (1) Unless the Board otherwise provides, every resident other than an authorized dealer desiring to pay or transfer any Canadian currency to or to the account of a non-resident shall make application to an authorized dealer.

(2) Unless the Board otherwise provides, the authorized dealer shall have the same authority with respect to such an application as though it were an application to purchase foreign exchange, and shall submit to the Board any application the approval of which is not within his authority.

(3) Every such application when approved by or on behalf of the Board shall constitute a permit for the purposes stated therein.

*Authorized Dealers*

32. (1) Every bank incorporated under the Bank Act shall be an authorized dealer in Canada, and every Canadian branch of such a bank shall have the powers and duties of an authorized dealer pursuant to this Order.

(2) The Board may appoint other authorized dealers and may revoke any such appointment.

(3) Notwithstanding any other provisions of this Order, authorized dealers may engage in any transactions in or affecting securities, Canadian currency or foreign exchange which the Board may from time to time permit; the authority of authorized dealers shall at all times be subject to regulations and instructions of the Board, and any authority of authorized dealers under this Order may be limited, modified or expanded by the Board at any time and from time to time.



33. (1) Where any rate of exchange is fixed for any transaction in foreign exchange pursuant to this Order, the authorized dealer designated in the application, declaration or other instrument in which such rate of exchange is fixed shall, except as otherwise provided in section 29 hereof, buy or sell the relative foreign exchange from or to the person applying in that regard, and shall account to the Board for the same amount of foreign exchange at the same rate of exchange as that applicable to the transaction between the authorized dealer and the applicant.

(2) Settlements between the Board and the authorized dealer shall be made at such times and in such manner as the Board may prescribe.

(3) The Board shall pay such costs and remuneration in connection with the functions and services of authorized dealers pursuant to this Order as the Board may prescribe.

#### *General*

34. (1) The Board may make regulations, not repugnant to this Order, for any of the following purposes:—

(a) Prescribing the forms to be used, and the circumstances of their use, for the purposes of this Order.

(b) Prescribing the procedure to be followed by applicants, authorized dealers and other persons in connection with any matter arising under or in pursuance of this Order.

(c) Generally, with respect to any matter arising in the course of, or connected with, or ancillary to, the Board's operations, or making such other provision as may be deemed necessary for the efficient administration of this Order and for carrying out its provisions according to their true intent and meaning and for the better attainment of its objects and may amend or repeal any such regulation.

(2) The regulations annexed to this Order shall be the first regulations of the Board, effective on the date this Order comes into force. Any subsequent regulation, amendment or repeal shall come into force upon publication in the Canada Gazette.

(3) Regulations made by or under the authority of this Order shall have the same force and effect as if the same were expressly set forth herein.

(4) Unless the context otherwise requires, expressions used in any regulation of the Board shall have the same meaning as similar expressions in this Order.

35. General or specific instructions issued by the Board to any person acting as agent of or otherwise under the authority of the Board shall with respect to such person, have the same force and effect as if contained in regulations made and published as provided in the preceding section.

36. Every Collector of Customs and Excise and every Postmaster shall if so required by the Board act as agent for the Board with relation to the issuing of export and import licences, and shall have such authority in that behalf as the Board may prescribe by regulation.

37. (1) If any authorized dealer or other person fails or neglects or refuses to approve an application under this Order, the approval of which was within his authority, the application may be submitted by the applicant direct to the Board, and the Board may deal with such application in such manner as it may deem proper under the provisions of this Order.

(2) If any person is dissatisfied with any ruling, regulation or decision of the Board he may, if the Board so permits, appeal in writing to the Minister, who shall have power to decide the question at issue with or without further hearing



the appellant, and may if he sees fit exempt the appellant wholly or partly from any regulation of the Board.

38. (1) All transactions in foreign exchange permitted hereunder by any person with an authorized dealer, shall be and be deemed to be entered into with the authorized dealer and not with the Board, and the Board shall not incur any obligation to any such person.

(2) The foregoing subsection shall prevail notwithstanding that an authorized dealer in approving any application or fixing any rate of exchange is described as acting on behalf of the Board, or is acting under any instructions or regulations of the Board, and notwithstanding any approval of an application of any kind by the Board itself under section 26 hereof or otherwise.

### PART III

#### ENFORCEMENT PROVISIONS

39. (1) Every person shall be guilty of an offence who,

- (a) in any application or declaration under this Order makes any statement which to his knowledge is false or misleading or which he had not reasonable grounds for believing to be true, or,
- (b) deceives or misleads or attempts to deceive or mislead the Board or an authorized dealer or a Collector of Customs and Excise or any other person concerned in the administration of the provisions of this Order; or,
- (c) being the holder of a licence or permit commits or attempts to commit a breach of any of the general or special conditions of such licence or permit or fails to comply with any of such conditions; or,
- (d) violates or attempts to violate any other provision of this Order or any regulation of the Board; or,
- (e) aids or abets the commission of any offence under the provisions of this Order.

(2) It shall be an offence for any transportation agency or employee thereof to transport or assist in transporting from Canada any property unless no licence is required for the export of the same or the requisite licence has been obtained, or to remove any imported goods or other property from any Customs port for delivery within Canada unless no licence is required for the import of the same or the requisite licence has been obtained.

40. (1) Every person guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars or to imprisonment for not more than one year, or to both fine and imprisonment.

(2) In addition to any other penalty, if any person, contrary to the provisions of this Order, exports or attempts to export from Canada any goods or other property, or imports or attempts to import into Canada any goods or other property, or buys or sells or otherwise deals with or attempts to buy or sell or otherwise deal with any foreign exchange or foreign securities, or fails to declare any foreign exchange or foreign securities, such goods or other property may be seized and detained and shall be liable to forfeiture, at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada or in any superior court.

41. No Collector of Customs and Excise shall permit the export or import of any goods or other property through any port over which he has authority, unless he or an officer acting for him is satisfied that no licence is required for such export or import, or that the appropriate licence has been obtained.

42. If the requisite import licence be not obtained and produced to the Collector of Customs and Excise within thirty days after the arrival in Canada of any property for the importation of which a licence is required, and which has been held at a Customs port pending the production of such licence, the Collector of Customs and Excise may cause such property to be destroyed, or to be sold by public auction to the highest bidder and the proceeds thereof, in case of sale, shall be applied to the payment of duties and charges, and the surplus, if any, after discharging the vessel's lien or other charges for transportation shall be deposited to the credit of the Receiver General of Canada.

43. Any person who on any occasion is about to leave Canada (which person is hereafter in this section referred to as "the traveller" shall, if required by any Customs officer or other person thereunto authorized, declare whether he has with him any goods, currency, securities, foreign exchange or other property, and shall produce any such property which he has with him; and the officer or other authorized person, and any person acting under his directions, may search the traveller and examine or search any article which the traveller has with him, and shall seize any such property which the traveller has with him, unless the export of the same is permitted by or under the authority of this Order.

44. (1) The Board and each member of the Board may require any person to furnish such information as the Board or such member of the Board may deem necessary, and shall have power to summon any person to give information under oath or otherwise, and to produce books and documents, at such time and place and in such manner as the Board or member of the Board may require.

(2) Every member of the Board shall have power to administer oaths and receive affidavits and statutory declarations.

45. The Board may appoint Inspectors to assist in the enforcement of the provisions of this Order, who shall have the power to obtain from any person such information under oath or otherwise, and whether orally or in writing or by inspection of documents or other evidence, as the Board may deem necessary.

46. At the request of the Board or any Inspector appointed by the Board or of any duly authorized representative of the Board, officers and employees of the Post Office, the Department of National Revenue, the Department of Mines and Resources, the Royal Canadian Mounted Police and the Department of Justice shall take such action by way of detention or search of persons or property, or disclosure of information in their possession, as the Board, its Inspector or authorized representative may deem necessary for preventing violations of the provisions of this Order or ascertaining whether any violation has taken place, or is likely to take place, or for ensuring the arrest and conviction of any person who may have violated or be violating any provision of this Order, or for obtaining evidence of or relating to any past, present or future violation or suspected or attempted violation; and all such officers and employees shall have full authority to take any such action upon such request.

47. In case of any conflict between this Order and any law in force in any part of Canada, the provisions of this Order shall prevail.

## REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

1. The following exemptions are hereby made from the respective provisions of the Order:—

- (a) No export licence or import licence will be required for the export or import of goods which are entitled to entry under items 706 and 707 of the Customs Tariff, or for the export or import of travellers' samples.



- (b) No import licence will be required for the importation of goods in any manner to a value not exceeding One Hundred Dollars by any person in any calendar month.
- (c) No export licence will be required in the case of goods taken out of Canada by and with a non-resident to a value not exceeding One Hundred Dollars; provided that this exemption shall not apply to any person more than once in any calendar month.
- (d) Personal effects belonging to and required for the use of any person entering or leaving Canada may be brought into or taken out of Canada by and with such person without licence.
- (e) No export licence will be required in the case of gifts to a value not exceeding Twenty-five Dollars sent from Canada by mail or parcel post by any person in any calendar month.
- (f) Foreign exchange or foreign securities having a value not exceeding in either case the equivalent in Canadian currency of One Thousand Dollars and being in the possession, ownership or control of any resident of Canada at the time of the coming into force of the Order need not be declared under section 14 or section 17 of the Order, unless in the case of foreign exchange such resident desires to sell the same, but such foreign exchange or foreign securities may not be used or dealt with otherwise than as permitted under the Order or Regulations.
- (g) Any person may bring with him on entering Canada or take with him on leaving Canada, for any purpose, Canadian currency and foreign exchange amounting in all to not more than One Hundred Dollars or the equivalent thereof, without licence or permit, provided that this exemption shall not apply to any person more than once in any calendar month.
- (h) In addition to any exemption that may be available under paragraph (g), any non-resident leaving Canada may, without licence or permit, take with him Canadian currency or foreign exchange not exceeding in either case the amount of Canadian currency or foreign exchange, respectively, brought into Canada by him when entering Canada; and if a licence to import the same, in Form P, was obtained at the time of entry, such licence shall be conclusive evidence of the amount so brought in.
- (i) Any person may purchase from an authorized dealer at the appropriate rate prescribed by the Board, foreign exchange to a value not exceeding One Hundred Dollars in any calendar month, without any permit and without using any form herein prescribed; provided that the foregoing provisions of this paragraph shall apply only with respect to foreign exchange in the form of cash, cheques, postal notes, money orders and other items of a similar nature payable at sight or on demand; and similarly any resident may pay or transfer Canadian currency to or to the account of non-resident to an aggregate amount not exceeding One Hundred Dollars in any calendar month without a permit and without using any form herein prescribed.
- (j) Any person may sell to an authorized dealer at the appropriate rate prescribed by the Board, foreign exchange not arising out of the proceeds of exports, to a value not exceeding Five Hundred Dollars, without any permit and without using any form herein prescribed; provided that this paragraph shall apply only with respect to foreign exchange in the form of cash, cheques, bond coupons and dividend warrants, postal notes, money orders and other items of a similar nature payable at sight or on demand.



- (k) Unless a Collector of Customs and Excise otherwise requires, a vessel or vehicle may operate internationally without obtaining an import or export licence when entering or leaving Canada; but an import or export licence, as the case may require, will always be necessary in respect of the last importation into or exportation from Canada of any such vessel or vehicle which changes its ownership or ceases to operate internationally.
  - (l) A resident of Canada may pay or transfer in Canadian currency to a resident of Newfoundland (whether in Canada or Newfoundland) without a permit in Form G; and a resident of Canada may, without obtaining a permit in Form D, export to Newfoundland property for which no payment in foreign exchange is to be received, and may accept payment in Canadian dollars for such export.
  - (m) Any resident who is a merchant, hotelkeeper or otherwise customarily engaged in any business serving tourists may accept from any tourist an amount of foreign currency not in excess of the equivalent of five hundred Canadian dollars in payment for purchases or services rendered or to be changed into Canadian currency at a rate to be authorized by the Board, provided that the foreign currency so obtained shall be sold to an authorized dealer within ten days of the date it is acquired. No person shall have in his possession more than the equivalent of one thousand Canadian dollars in foreign currency obtained in this way unless he holds a special permit from the Board authorizing him to do so.
2. (a) Every Collector of Customs and Excise shall act as agent of and on behalf of the Board in connection with the issuing of licences to export and import and accepting declarations of exports.
  - (b) A Collector of Customs and Excise may, on behalf of the Board, licence the exportation or importation of goods through the port over which he has authority, subject to the instructions of the Board.
  - (c) The Collector of Customs and Excise having authority over the port through which any exportation is made under authority of a General Licence shall receive the declaration of exports required under the Regulations.

3. Any applicant may authorize an agent or attorney to sign applications under the Order and Regulations on his behalf, and where a power of attorney has been or is hereafter lodged with a Collector of Customs and Excise by any person authorizing a customs broker named therein to act as the agent or attorney of such person in connection with matters which include the exportation or importation of goods, such power of attorney shall be deemed to include authority to the customs broker therein named to act as agent and attorney of the said person in making application for exports and import licences and related matters and to give any undertakings required in connection therewith, unless the said person gives written notice to the contrary to the Collector of Customs and Excise.

4. (a) Every application for a licence or a permit, and every declaration of foreign exchange or securities or of exports, shall be made in the appropriate form referred to below, which may be obtained as indicated in section 5 of these Regulations.
- (b) In any case where no appropriate application form has been prescribed, the applicant may apply in writing to the Board, giving full particulars.
- (c) Instructions printed on the forms shall have the same force and effect as if expressly set forth in the Regulations.

(d) An application which has been duly approved and signed by or on behalf of the Board shall constitute a licence or a permit for the purposes stated therein, subject to any conditions or limitations contained therein, and subject always to the provisions of the Order and of Regulations of the Board.

(e) When a rate of exchange has been fixed in connection with any proposed transaction in foreign exchange, the form upon which such rate is noted, when signed by the person authorized to fix the rate, shall constitute a permit to the applicant to proceed with and complete the relative foreign exchange transaction subject as aforesaid.

5. (a) The forms and their uses are as follows:—

*Form A:* Application for General Licence to Export Goods.

This must be submitted direct to the Board and will be issued only to exporters making regular shipments whose business is of such a nature that it would be difficult to complete the details required by a Particular Licence before the goods are ready for export. The licence relates only to export of goods.

In respect of each exportation under authority of a General Licence, a Declaration on Form B must be made by the exporter and submitted to the Collector of Customs and Excise not later than six days after the date of the Customs clearance of the vessel, if the exportation was by water or by air, or of the Customs report outwards of the vehicle if the exportation was by land. If no foreign exchange is to be obtained by the exporter for the exportation, Form D must be completed and approved *in advance* of the exportation, as referred to below.

*Form B:* Application for Particular Licence to Export Goods, or Declaration of Goods exported under authority of General Licence. The Particular Licence may, subject to instructions of the Board, be issued by a Collector of Customs and Excise for the exportation of goods. The same form may also be used for the purposes of the Declaration required where goods are exported under the authority of a General Licence.

*Form C:* Declaration of Foreign Exchange Offered for sale. This form is to be used when any person declares and offers foreign exchange for sale.

*Form D:* Application for Permit to Export Goods in connection with which no Foreign Exchange is to become available. This form must be used and approval obtained (whether or not the exporter is the holder of a General Licence) *in advance* of the exportation of any goods for which payment in foreign exchange has not been and will not be received. If approval is so obtained, the exporter may proceed to obtain the requisite Particular Licence to export or make the requisite Declaration of Exports under authority of a General Licence, as the case may be.

*Form E:* Application for Licence to Import. This form is to be used for every importation by a resident unless exempted by the terms of the Order or these regulations; and for every importation by a non-resident, unless so exempted, except in the case of a non-resident bringing with him into Canada Canadian currency and/or foreign exchange, in which case Form P shall be used with respect to such Canadian currency and/or foreign exchange.

A Licence in Form E may, subject to instructions of the Board, be issued by a Collector of Customs and Excise.

*Form F:* Application for Foreign Exchange. This form is to be used by every person requiring foreign exchange for any purpose other than for travel purposes.

*Form G:* Application to Transfer Canadian dollars to Account of Non-resident. This form is to be used and approval obtained *in advance* by every



resident of Canada desiring to pay or transfer Canadian dollars to or to the account of a non-resident, whether in payment for imports or for any other purpose.

*Form H:* Application for Foreign Exchange for Travel Purposes and/or for Permission to Export Foreign Exchange and/or Canadian Currency for Travel Purposes. This form must be used and approval obtained (except for amounts exempted under the Regulations of the Board) by every person desiring to obtain foreign exchange for purposes of travel and/or to take Canadian currency or foreign exchange out of Canada for travel purposes. One copy will be returned to the applicant and must be shown on demand to any Collector of Customs and Excise or other authorized person.

*Form K:* Application for Licence to Export Property other than Goods. This form must be used in respect of each export from Canada of property other than goods (e.g. currency, securities, etc.) unless exempted under the Order or Regulations or provided for by Form H.

*Form M:* Declaration of Foreign Exchange and Foreign Securities in the Possession, ownership or Control of Resident of Canada on the date of coming into force of the Order.

*Form P:* Declaration by Non-resident of Canadian Currency and/or Foreign Exchange Brought into Canada and Licence to Import the Same. This form shall be used by every non-resident bringing with him into Canada any Canadian currency and/or foreign exchange, unless exempted under the Regulations, and will serve as a licence to import the same. The form must be surrendered on leaving Canada when claiming exemption from export licence requirements in respect of any Canadian currency and/or foreign exchange being taken out of Canada.

(b) The forms referred to herein may be obtained from the Board in Ottawa or from the following sources:

Form P—from Collectors of Customs and Excise;

Forms A, B, and E—from Collectors of Customs and Excise, and authorized dealers;

Forms C, D, F, G, H, K and M—from authorized dealers.

6. (a) In addition to any other authority or function prescribed by the Order or Regulations or by Instructions of the Board, every authorized dealer shall act as agent of the Board for the purpose of issuing licences and permits in the following cases:—

(i) Licence to export property other than goods;

(ii) Permit to export goods in connection with which no foreign exchange is to become available;

(iii) Permit to pay or transfer Canadian currency from a resident to a non-resident;

(iv) Permit to export foreign exchange and/or Canadian currency for travel purposes.

(b) Authorized dealers shall have such authority with respect to licences and permits referred to in paragraph (a) hereof as may be prescribed in instructions of the Board.

7. (a) Every postmaster and postal clerk shall act as agent of the Board in accordance with instructions of the Board relating to the control of exports by mail and parcel post.

(b) The Postmaster General and all postmasters are hereby appointed agents of the Board to sell foreign exchange in accordance with instructions of the Board, in the form of postal money orders payable in any foreign currency for which the Board may from time to time prescribe rates of exchange.



REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

*Certified Extract from the minutes of a meeting of the Foreign Exchange Control Board held at Ottawa, the 17th day of September, 1939.*

On motion duly made and seconded, the following Regulations numbered 8 to 13, inclusive, were passed and enacted:

8. (a) Any resident who had any foreign securities in his possession, ownership or control on September 15, 1939, which foreign securities or the certificates or instruments representing the same were physically located in a country outside Canada at that date, may (without prejudice to his obligation to declare the said foreign securities to the Board on Form M), sell any or all of such securities and reinvest the proceeds of any such sale in other or similar foreign securities, provided that only negotiable securities shall be so purchased and that every such sale and re-investment shall be made in the said country, and such resident may, in the course of such trading, hold balances in the said country temporarily uninvested, without licence or permit and without further declaration to the Board until such time as the Board may require such declaration to be made or licence or permit obtained.

(b) Any resident who had any foreign securities in his possession, ownership or control on September 15, 1939, which foreign securities or the certificates or instruments representing the same were physically located in Canada at that date, may, after having duly declared the said foreign securities to the Board on Form M, and after obtaining from the Board a licence to export to a specified country any or all of the said foreign securities for the purposes herein described, sell in the said specified country any or all of such securities and reinvest the proceeds thereof and hold balances in such country temporarily uninvested in the same manner and subject to the same conditions provided in the preceding paragraph.

(c) Any resident may apply to the Board for a permit to use for the purpose of investing or trading in foreign securities in a specified country as above described, any foreign exchange which was in the possession, ownership or control of such resident on September 15, 1939, provided that such foreign exchange has been previously declared to the Board.

9. In any case where securities physically located in Canada are required to be transferred on a book or register outside Canada, any authorized dealer may on behalf of the transferee of such securities export the same for the purpose of having such transfer effected, upon condition that such securities are to be returned by the transfer agent or registrar outside Canada to the said authorized dealer for delivery to the transferee in Canada; the authorized dealer may issue to himself the relative licence to export such securities.

10. (a) An authorized dealer may, upon request and without the issue of any permit, make payment abroad of any foreign-currency deposit recorded on his books in Canada on September 15, 1939, for account of a non-resident.

(b) An authorized dealer may issue a permit for the sale of foreign exchange to a non-resident having on September 15, 1939, a Canadian-currency deposit with any bank, savings bank, insurance company, trust or loan company, or other similar depository, up to a total not exceeding the equivalent of Five Thousand Dollars, provided that the payment for such foreign exchange is made by means of a cheque drawn on such deposit account for a sum not exceeding the credit balance on September 15, 1939; and to facilitate any such transaction the said depository may sign the relative application for such foreign exchange on behalf of the non-resident depositor.

11. No permit shall be required for the payment in Canadian dollars to a non-resident of any interest or dividend on Canadian securities held by a non-resident whether acquired by such non-resident before or after the coming into force of the Foreign Exchange Control Order, and any authorized dealer may, without the issue of any permit, sell foreign exchange to such non-resident to the extent of the Canadian dollars so payable, provided that, for the purpose of such sale of foreign exchange, the authorized dealer is satisfied, by inspection of the relative interest or dividend cheque, or by proof of ownership submitted by or on behalf of such non-resident that the securities in question were owned by the non-resident.

12. Any Canadian-currency payment made by any bank, savings bank, insurance company, trust or loan company, or other similar depository, to or to the order of a non-resident, and being a payment debited to a Canadian-currency deposit account with such depository by such non-resident, shall not require any permit.

13. Any company incorporated in Canada, which is a Non-Resident Owned Investment Corporation within the meaning of the Income War Tax Act, shall be and be deemed to be a non-resident for the purpose of the Foreign Exchange Control Order.

Certified to be a true copy and in accordance with the Minutes of the Board.

G. F. TOWERS,  
*Chairman.*

### Order in Council appointing Wool Administrator

*Canada Gazette, 23rd September, 1939*

P.C. 2734

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18th September, 1939.*

The Committee of the Privy Council have had before them a report, dated 18th September, 1939, from the Minister of Labour submitting that he has received representations from the Wartime Prices and Trade Board to the effect;

1. That the United Kingdom Government has acquired practically complete control of the wool resources of the Empire, and has vested the administration of wool supply in a Wool Controller;

2. That the United Kingdom Wool Controller has been given wide powers respecting the purchase of wool and its products, the allocation of supplies for military and civilian use within the United Kingdom, the granting or withholding of licences for the export of wool and its products to other countries including Canada, the fixing of prices for all grades and kinds of wool, tops, yarns and other wool products, and in general the control of the wool textile industry in the United Kingdom;



3. That, through the purchase of the Australasian wool clips and the control of exports of combed wool and yarn from the United Kingdom, the Wool Controller now controls practically the whole supply of raw material from which the wool requirements of the Canadian people, both civil and military, are chiefly met; and

4. That, in view of this situation, and the consequent necessity of co-operation with the United Kingdom authorities in regard to the allocation and utilization of available wool supplies, the Wartime Prices and Trade Board deems it advisable to appoint a Wool Administrator in Canada, to make whatever arrangements may be necessary to ensure continuity of supply, allocation of material in order of priority, and the best possible utilization of stocks in the public interest.

The Minister, therefore, on the advice of the Wartime Prices and Trade Board, recommends:

1. That appointment by the Wartime Prices and Trade Board of David C. Dick, Esquire, of Cobourg, Ontario, as Wool Administrator be approved; and that he be responsible, in co-operation with the industries concerned and under the direction of the Board, for the conduct of negotiations with the United Kingdom Wool Controller, for the organization of any necessary arrangement for the securing of supplies of wool, both domestic and imported, required by Canadian manufacturers, for the supervision of the purchase, shipment, delivery, and allocation of such supplies, for the investigation of applications for licences to export wool or its products, for the determination of prices for wool, tops, rags, waste or yarns, export licences for which may have been withheld, and for such other duties as may be assigned to him by the Board.

2. That the recommendation of the Wartime Prices and Trade Board that the said David C. Dick shall receive a salary of one dollar per annum, and his actual travelling expenses and a living allowance of twenty dollars per diem while absent from his place of residence in connection with the duties aforesaid, be approved.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council restricting export of certain kinds of wool

*Canada Gazette, 23rd September, 1939*

P.C. 2735

AT THE GOVERNMENT HOUSE AT OTTAWA

Monday, the 18th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour has received representations from the Wartime Prices and Trade Board to the effect:



1. That there exists in Canada a shortage of cross-bred wools suitable for the production of military clothing now under order by the Department of National Defence;

2. That the obtaining of additional supplies for use in Canada is subject to delay and restriction;

3. That, as a war measure, the British Government has purchased the entire Australian clip, and it cannot be ascertained as yet how much, if any, the British Wool Controller may release for use in Canada;

4. That the new clip from New Zealand, ordinarily the chief source of supply of raw wool imported into Canada, will not be ready for shipment before the end of the year, and it is anticipated that this also will be purchased in its entirety by the British Government;

5. That exports of wool and tops from the United Kingdom are allowed only under licence, and no licences have been granted for the export of cross-bred wool;

6. That an abnormal speculative demand has developed in the United States for all kinds of wool, including rags and waste, especially for those kinds likely to be most in demand for military purposes in Canada, and that there has been a rapid increase in prices; and

7. That, in these circumstances, the export from Canada of certain grades of raw wool, tops, rags, and waste will endanger the supply necessary to meet the immediate needs of the Department of National Defence;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and in accordance with the advice of the Wartime Prices and Trade Board, is pleased to order, and it is hereby ordered that, until further notice, licences for the export from Canada of wool, tops, rags, waste and yarn shall be withheld unless approved by the Wartime Prices and Trade Board on the recommendation of the Wool Administrator.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

## Order in Council restricting exportation of certain articles

*Canada Gazette, 23rd September, 1939*

P.C. 2785

### AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, represents:

(1) that it is considered desirable that steps should be taken to provide for control of the exportation from Canada of certain articles deemed capable of being converted into or made useful in the production of arms, ammunition,

implements or munitions of war, or military naval or air stores, in order to safeguard domestic and military requirements of such articles and to carry out more effectually the Regulations respecting Trading with the Enemy, 1939;

(2) that under section 290 of the Customs Act, as enacted by Section 10 of Chapter 24 of the Statutes of 1937, it is provided that the Governor in Council may from time to time,—

- (a) for the purpose of acquiring information, or for the purposes of sub-paragraph (b) of this subsection, require that no person shall export or carry coastwise or by inland navigation any of the articles designated in the said sub-paragraph (b), without first having obtained a permit, and prescribe such fees, regulations and conditions as may be deemed proper respecting the granting of such permits;
- (b) prohibit, restrict or control the exportation, generally or to any destination, directly or indirectly, or the carrying coastwise or by inland navigation, of arms, ammunition, implements or munitions of war, military, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof;
- (f) make regulations or prescribe conditions or exceptions deemed necessary for the effective carrying out of the object and intention of this section of any prohibition, restriction or control of exportations or importations which may be imposed under this section, including regulations, conditions or exceptions respecting re-exportations, transshipments or shipments in transit, whether within Canada or elsewhere. Such regulation shall, when made, have the force and effect of law as though enacted as a part of this statute, and shall be published in the *Canada Gazette*.

(3) that the Advisory Committee on Economic Policy have examined the export position in respect of the commodities enumerated hereunder and believe that, with a view to conserving domestic and military requirements of these articles and to preventing their reaching enemy destinations, it is desirable that their export should be made subject to the conditions now governing the export of arms and ammunition.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, is pleased to order and it is hereby ordered as follows:—

1. No person shall export any of the articles enumerated and described hereunder without first having obtained a permit issued by, or on behalf of, the Minister of National Revenue, namely:

Asbestos, including asbestos sand and waste.

Bauxite, alumina and aluminum.

Cadmium.

Cobalt, in ore, refined, salts and stellite.

Copper, in ore, concentrates and refined.

Ferromanganese.

Ferrosilicon.

Lead, in ore, concentrates and refined.

Nickel, in ore, matte and refined.

Nickel oxide.

Zinc, in ore, concentrates and refined.

Scrap metals of all kinds.

2. Applicants for permits shall furnish in respect of each proposed shipment for export information in writing in the manner and form approved by the Minister of National Revenue, setting forth details as to the seller, purchaser, consignor, consignee, description, quantity, value and specific purpose of the proposed shipment or of the articles proposed to be exported, port to which goods would be consigned and vessel by which they would be carried.

3. Export permits issued hereunder shall not be transferable and shall be subject to revocation at any time without notice.

4. This Order shall come into force on the 20th day of September, 1939.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

*Canada Gazette, 22nd September, 1939*

### GOVERNMENT NOTICE

### DEPARTMENT OF JUSTICE

*To All to Whom these Presents shall come or whom the same may in anywise concern, Greeting:*

Whereas Regulation 26 of the Defence of Canada Regulations provides that the Minister of Justice may designate certain persons to be "Tribunals," within the meaning of the said Regulation, to hear the appeals of such enemy aliens, interned under the provisions of the pertinent sections of the said Regulations, as may be filed with the Tribunal within the time prescribed in said Regulation 26.

Know you that in pursuance of the power granted as aforesaid, the undersigned, the Minister of Justice, is pleased to designate the following persons "a Tribunal" within the meaning of the said Regulation:

In the Province of Quebec: Any Judge of the Superior Court in and for the Province of Quebec.

In all other Provinces: Any Judge of the County or District Courts for the said Provinces.

And I do hereby direct that this Notice be published in the *Canada Gazette*.

Dated at the Department of Justice, at the City of Ottawa, this twenty-second day of September in the year of Our Lord, one thousand nine hundred and thirty-nine.

ERNEST LAPOINTE,  
*Minister of Justice.*



# Order in Council regulating Sales Tax, Gas and Electricity

P.C. 2845

## AT THE GOVERNMENT HOUSE AT OTTAWA

Monday, the 25th day of September, 1939.

### PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Revenue reports that since the amendment to The Special War Revenue Act, assented to on the thirteenth of September, 1939, whereby electricity and gas when used in dwellings were removed from the miscellaneous class of goods exempted from consumption or sales tax, certain difficulties have arisen in connection with the application of the said consumption or sales tax to the said articles of consumption.

And whereas the Minister reports further that in order to provide for the efficient administration of The Special War Revenue Act in its application to the said articles, namely, electricity and gas, it is deemed necessary and advisable for the security and welfare of Canada, that Regulations as hereunder be made,—

Now, therefore His Excellency the Governor General in Council, in the exercise of the powers conferred upon the Governor in Council by section three of the War Measures Act, being Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the following regulations and they are hereby made and established accordingly:—

### REGULATIONS

1. In these regulations, unless the context otherwise requires,—

- (a) "Gas" means natural gas or gas manufactured from coal, calcium carbide or oil;
- (b) "Sale price" as defined by The Special War Revenue Act shall be deemed to include rentals of meters, service charges, minimum monthly charges and any other charges made by a selling utility on account of the distribution of electricity or gas;
- (c) "Selling utility" means any and every person, firm, corporation, municipal or governmental body, department or authority selling or distributing to the consumer or user thereof, electricity or gas; to be used for illuminating, heating, cooking or other domestic purposes in dwellings.

2. Electricity or gas shall be deemed to be goods subject to the consumption or sales tax imposed by Part XIII of The Special War Revenue Act and the said tax shall be payable by the selling utility by which the same is sold or distributed to the consumer or user and the selling utility shall for all purposes be deemed to be the manufacturer or producer thereof.

3. It shall be lawful for the selling utility to add to its regular charge to the consumer or user and to collect from such consumer or user the amount of consumption or sales tax imposed by the provisions of The Special War Revenue Act in respect of electricity and gas and the amount so added and collected for consumption or sales tax shall not be deemed to be an increase in the rate charged for electricity or gas and such addition and collection may be made by the

selling utility notwithstanding the provisions of any statute of Canada or of any province thereof or any regulation or order made pursuant thereto relating or purporting to relate to the rates to be charged by such selling utility.

4. For the purposes of these regulations and of The Special War Revenue Act, electricity or gas sold or distributed during any period commencing before and ending after the eleventh day of September, 1939, and charged for in respect of such period, shall be deemed to have been sold or distributed in equal daily amounts during the said period.

5. The exemption of fuel provided for in Schedule III of The Special War Revenue Act shall not include electricity or gas used for illuminating, heating, cooking or other domestic purposes in dwellings.

6. These regulations shall be deemed to have come into force on the twelfth day of September, one thousand nine hundred and thirty-nine.

(Sgd.) H. W. LOTHROP,  
Asst. Clerk of the Privy Council.

### Order in Council appointing Sugar Administrator

*Canada Gazette, 7th October, 1939*

P.C. 2851

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd October, 1939.*

The Committee of the Privy Council have had before them a report, dated 3rd October, 1939, from the Minister of Labour, submitting that he has received representations from the Wartime Prices and Trade Board to the effect:

(1) That the United Kingdom Government has acquired practically complete control of the supplies of raw sugar within the Empire and has vested the administration of sugar supplies in a Sugar Controller;

(2) That, through the purchase of the entire sugar crops of Australia, South Africa, Mauritius, Fiji and the British West Indies, the United Kingdom Sugar Controller now controls practically the whole supply of raw sugar from which the requirements of the Canadian people are chiefly met; and

(3) That, in view of this situation and the consequent necessity of co-operation with the United Kingdom authorities in regard to the supply and allocation of raw sugar, the Wartime Prices and Trade Board deems it advisable to appoint a Sugar Administrator in Canada to make whatever arrangements may be necessary to ensure continuity of supply and equitable allocation.

The Minister, therefore, on the advice of the Wartime Prices and Trade Board, recommends:

(1) That the appointment by the Wartime Prices and Trade Board of S. R. Noble, Esq., of Montreal, as Sugar Administrator be approved; and that he be responsible, in co-operation with the industries concerned and under the direction of the Board, for the conduct of negotiations with the United

Kingdom Sugar Controller, for arranging for supplies of sugar to be imported into Canada, for the supervision of the purchase, shipment, delivery and where necessary the diversion and allocation of sugar, and for such other duties as may be assigned to him by the Board.

(2) That the recommendation of the Wartime Prices and Trade Board that the said S. R. Noble shall receive a salary of one dollar per annum and his actual transportation expenses and a living allowance of twenty dollars per diem while absent from his place of residence in connection with the duties aforesaid, be approved.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd). H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

### Order in Council amending Foreign Exchange Control

*Canada Gazette, 30th September, 1939*

P.C. 2852

### AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 25th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the Provisions of the War Measures Act is pleased to order as follows:—

1. Section 17 of the Foreign Exchange Control Order made by Order in Council P.C. 2716 dated September 15, 1939, is hereby amended by adding thereto the following subsection:—

“(2) Notwithstanding any other provisions of this Order, no foreign securities may be sold or transferred by a resident to a non-resident otherwise than for payment in foreign exchange or unless the Board otherwise provides.”

2. This amendment to Section 17 of the said Foreign Exchange Control Order shall come into force on the twenty-sixth day of September, 1939.

(Sgd). H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*



Order in Council authorizing Agreement for purchase of British Columbia  
and Nova Scotia Apples

P.C. 2853

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 25th September, 1939.*

The Committee of the Privy Council have had before them a report, dated 25th September, 1939, from the Minister of Agriculture, stating that representations have been received from the Agricultural Supplies Committee that the apple growers in the Province of Nova Scotia and British Columbia, as a result of a shortage or absence of ocean-going cargo space, loss of export markets and other restrictions resulting from the war, are confronted with the impossibility of exporting a large proportion of apples ordinarily marketed in the United Kingdom and Europe, and that in the opinion of the said Committee it is advisable and necessary for the security and welfare of Canada as a food conservation measure, and to secure the continuity of the industry to endeavour to extend the domestic markets for these apples and to divert a proportion thereof into processed products and also to compensate in part the growers for losses sustained as a result of the marketing restrictions aforesaid;

That the Agricultural Supplies Committee estimates that the market restrictions aforesaid will impede or prevent the exportation of at least 500,000 boxes from British Columbia, and 1,500,000 barrels from Nova Scotia; and

That the Agricultural Supplies Committee advises and recommends that the following arrangements be made, namely,—

- (a) arrange for the purchase of surplus apples grown in the Province of British Columbia of varieties, grades and sizes ordinarily exported, not exceeding in all 500,000 boxes, at the prices as set out in the form of agreement annexed hereto.
- (b) arrange for
  - (i) the marketing of apples grown in Nova Scotia of varieties, grades and sizes ordinarily exported, through a central selling agency; and
  - (ii) for the canning or drying of such apples to the full capacity of the plants of manufacturers in Nova Scotia, under agreements to protect the central selling agency and the manufacturers respectively against loss on the basis of prices to be paid growers, handling and processing costs and profits to be set out in agreements between the Minister of Agriculture and the Central Selling Agency and the Minister of Agriculture and the manufacturers aforesaid respectively;
- (c) conduct an advertising campaign to promote the sales of apples and apple products.

The Minister estimates that on the basis of information furnished by the Agricultural Supplies Committee the expenditure of public funds required for these measures may be as follows: in the case of British Columbia, \$525,000, and Nova Scotia apples, approximately \$4,450,000, and for advertising and additional inspection services, \$170,000, making a total of \$5,145,000; that the amount which may be recovered by sale of fresh fruit and processed goods is estimated at \$3,500,000, leaving an estimated loss of \$1,645,000.

The Minister therefore recommends that he be authorized, in virtue of the powers conferred by the War Measures Act, to enter into agreements as follows,—

- (a) with the Okanagan Federated Shippers Association;
- (b) with a Central Selling Agency in Nova Scotia, and
- (c) with processors of apples carrying on business in Nova Scotia; the said agreements to be in the forms annexed hereto.

The Minister further recommends that under the authority of the War Appropriation Act, 1939, the sum of \$1,645,000 be allotted from the appropriation granted by the said Act to provide \$170,000 for advertising and other expenses to be incurred by the Department of Agriculture and \$1,475,000 to cover losses which may be sustained under the arrangements to be entered upon by the Minister of Agriculture.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

MEMORANDUM OF AGREEMENT entered into this \_\_\_\_\_ day  
of \_\_\_\_\_ 1939.

BETWEEN:

The Okanagan Federated Shippers Association Incorporated, a body politic having its Head Office in the City of Vernon, in the Province of British Columbia, hereinafter called the "Association"

OF THE FIRST PART

and

His Majesty the King, in the right of Canada and herein represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Association as a result of a shortage or absence of ocean going cargo space, loss of export market and other restrictions resulting from the war is confronted with the impossibility of marketing a large part of the apples grown in British Columbia in 1939 which would be normally marketed in the United Kingdom and Europe.

Whereas the Minister has been authorized under the War Measures Act to enter into an arrangement with the Association to safeguard growers in part against losses which would otherwise be suffered.

Witnesseth that in consideration of the premises, the parties hereto covenant and agree as follows:

1. The Association agrees to dispose, in so far as possible, in export markets of the entire export production of apples grown in 1939 in the Okanagan Valley of the Province of British Columbia.

2. The Minister agrees to buy from the growers through the Association at the price or sum of one dollar and five cents (\$1.05) per box, all boxes of apples not exceeding 500,000 that remain undisposed of on March 31, 1940, provided that earlier than March 31 aforesaid the Minister may purchase any of the aforesaid total quantity at prices appropriately reduced by a proportion of the storage costs.

3. The varieties, grades and sizes of apples to which this agreement shall extend shall be as follows:

McIntosh Red.. . . . .	150-252	Ex. Fcy-Fancy—"C"
Jonathan.. . . . .	150-252	Ex. Fcy-Fancy—"C"
Delicious.. . . . .	125-234	Ex. Fcy-Fancy—
Yellow Newtown.. . . . .	138-252	Ex. Fcy-Fancy—"C"
Winesap.. . . . .	163-252	Ex. Fcy-Fancy—"C"
Rome Beauty.. . . . .	125-216	Fancy
Spitzenberg.. . . . .	125-216	Ex. Fcy-Fancy—"C"
Stayman Winesap.. . . . .	125-216	Ex. Fcy-Fancy—"C"
Grimes Golden.. . . . .	150-234	Fancy

In witness whereof the parties hereto have hereunto set their hands and seals.

*Minister of Agriculture.*

MEMORANDUM OF AGREEMENT made this                      day of                      1939

BETWEEN:

of \_\_\_\_\_ in the Province of  
Nova Scotia, hereinafter called the "Central Selling Agency"

OF THE FIRST PART

—and—

HIS MAJESTY THE KING in the right of Canada and represented herein by the Honourable Minister of Agriculture hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Minister has been authorized under the authority of the War Measures Act, as a food conservation measure, to assist in the processing of surplus apples in Nova Scotia in the manner and to the extent hereinafter mentioned, through the medium of a selling agency by or through which the entire crop of apples of certain varieties, grades and sizes shall be marketed or processed, and

Whereas the Central Selling Agency has been authorized by growers and shippers to sell exclusively on their behalf all apples grown by them and graded and packed as herein provided, and has agreed to acquire and dispose of the entire crop of apples of the varieties, grades and sizes aforesaid;

Now, therefore, in consideration of these presents the parties hereto covenant and agree each with the other as follows:—

1. The Central Selling Agency covenants and agrees,—

(a) to purchase from every grower of apples in Nova Scotia the entire crop of apples of such grower of the grades and sizes mentioned in paragraph (c) hereof and to market or dispose of the same in accordance with the terms and conditions hereinafter set out;

(b) subject as hereinafter provided, to appoint or designate as sub-agents all responsible recognized packers and shippers of apples in Nova Scotia;

(c) to deliver to processors of apples who have entered into processing agreements with the Minister, apples of the varieties, grades and sizes mentioned herein upon terms that the processors shall pay for apples of the following varieties.—



Stark	Nonpareil	Canadian Baldwin	Linda
Baldwin	Greening	Cooper Market	Macoun
Gravenstein	Northern Spy	Delicious	Rome Beauty
Ben Davis	Wolf River	Royal Russet	Salome
Gano	Fallawater	Fameuse	Spitzenberg
Ribston	Wagner	Jonathan	Winesap
Golden Russet	McIntosh	York Imperial	Hubbardston
King	Cox Orange	King George	
Blenheim	Baxter	Lawfam	

the following prices, namely,—

No. 1 grade, $2\frac{1}{2}$ " up.....	\$1.69 per barrel
No. 1 grade, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	\$1.51 per barrel
Domestic, $2\frac{1}{2}$ " up.....	\$1.24 per barrel
Domestic, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	\$1.03 per barrel

and in the case of other varieties the same prices reduced by twenty-five cents per barrel in the case of each grade and size:

Provided, however, that unless the Minister otherwise directs the Central Selling Agency shall not deliver to processors, in the aggregate, apples in excess of 1,500,000 barrels, and provided further that the Central Selling Agency will, if so ordered by the Minister, discontinue deliveries to the processors of any or all apples and deliver the same to the Minister or to such other person as the Minister may as hereinafter provided direct;

(d) to undertake a vigorous marketing program for the sale as fresh fruit of so much of the entire crop as is practicable;

(e) to pay or allow to packers and shippers of apples delivered to processors an allowance for packing and handling of twenty cents per barrel, provided, however, that if the Minister satisfies himself that this allowance exceeds the cost of handling and packing he may, in his absolute discretion, order the reduction of this allowance as he considers fair and reasonable and thereafter the Central Selling Agency will pay or allow only such amount as the Minister directs;

(f) to retain from the proceeds of deliveries to processors a sum not exceeding two cents per barrel to cover the actual cost of operations of the Central Selling Agency;

(g) to conduct a pool for the equalization of returns to growers of moneys received from processors and from the sale of apples after deducting all necessary and proper disbursements and expenses and to make payments to growers in accordance with such pooling arrangement;

(h) to maintain suitable accounting records of all purchases and sales of apples made under this agreement and such supporting vouchers and other records as may be necessary for the purposes of any audit which may require to be made under the provisions of the next succeeding paragraph; and to make available to a representative of the Minister of Finance all accounting and other records which may be deemed necessary for the purposes of any inspection or audit he may have to make for the purposes of this agreement;

(i) to make it a condition of its appointing or designating of a sub-agent, that such sub-agent,—

- (1) shall not accept delivery of any apples of the varieties, grades and sizes covered by this agreement, or pack, store, handle, sell or otherwise deal in such apples otherwise than as the agent of the Central Selling Agency and in strict accordance with its directions;

- (2) shall at all times observe all provisions of the Fruit, Vegetables and Honey Act and Regulations thereunder and any law or regulation of the Province of Nova Scotia respecting the packing and marketing of fruit;
- (3) shall record and submit to it:
  - (a) complete details of all apples purchased from or packed and handled for growers;
  - (b) all costs and expenditures incidental to the packing and handling of apples;
  - (c) all sales of apples in the fresh fruit market and to manufacturers;

and to cancel such appointment or designation for non-compliance with these conditions.

## 2. The Minister agrees,—

(a) to enter into agreements with processors in Nova Scotia for the processing of apples not exceeding, in the aggregate, 1,500,000 barrels of the varieties, grades and sizes mentioned in paragraph, (c) of clause 1 hereof on the basis of payment by the processor to the Central Selling Agency of the prices mentioned in paragraph, (c) aforesaid;

(b) if the Central Selling Agency satisfies the Minister that,—

(i) owing to the continuation and severity of market restrictions it is unable to dispose of the balance of the crop of apples of the varieties, grades and sizes mentioned in paragraph (c) of clause 1 hereof as fresh fruit at prices which will produce returns to the growers substantially equivalent to the returns in the case of processed apples, and

(ii) sufficient drying facilities are available in Nova Scotia.

to enter into additional agreements with processors in Nova Scotia for the processing of additional apples not exceeding, in the aggregate, 250,000 barrels on the same basis of payment as is provided for in paragraph (a) hereof:

Provided, however, that the Minister may require the Central Selling Agency to deliver to him or to his nominee any of the apples covered by the processing agreements mentioned in paragraphs (a) and (b) hereof upon terms that the Minister will pay to the Central Selling Agency the prices mentioned in paragraph (c) of clause 1 hereof together with an allowance of thirty cents per barrel to cover additional packing and package costs and marketing costs.

2. Any payments required to be made under subsection (1) of this clause shall be made by the Minister after submission of a final report satisfactory to the Minister of Finance.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....  
*Central Selling Agency*

.....  
*Minister of Agriculture*

BETWEEN:

of

in the Province of Nova Scotia, hereinafter called the "Manufacturer"

OF THE FIRST PART,

and

His Majesty the King in the right of Canada, hereinafter represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART.

Whereas the Minister has been authorized by the Governor in Council (P.C. ) to enter into agreements with manufacturers for the conservation of surplus apples of certain varieties, grades and sizes grown in Nova Scotia by processing the same upon certain terms as to the disposition of the manufactured product.

And whereas the manufacturer has agreed to process apples upon the terms authorized.

Now, therefore, in consideration of these presents the parties hereto covenant and agree each with the other as follows:

1. The manufacturer agrees,—

(a) to purchase for processing and to accept delivery from a Central Selling Agency (which has entered into an agreement with the Minister for the marketing of the entire crop of apples of certain varieties, grades and sizes grown in Nova Scotia in the year 1939), apples of the aforesaid varieties, grades and sizes as required to keep his plant operating to the full extent of its present capacity unless or until the Minister may otherwise direct. Subject as hereinafter provided the manufacturer shall accept all varieties of apples of the grades and sizes mentioned in paragraph (e) hereof as they become available on the market: Provided, however, that the manufacturer shall refuse to accept delivery for canning or drying of apples of other grades or sizes aforesaid or any apples without government inspection certificates as to quantity, variety, grade and size or which have become unsuitable by reason of condition for canning or drying or which are delivered in barrels containing less than one hundred and thirty pounds net weight or in barrels which are not full when delivered; and provided further that the manufacturer shall refuse to accept delivery of apples from any person named in any written notification from the Department of Agriculture to the effect that such person has misrepresented the variety, grade or size or the quantity of any lot of apples;

(b) immediately on the signing of these presents to commence the processing and packing of apples, whether by drying or canning, according to approved manufacturing methods and so as to produce, generally, canned and dried apples of grade not less than "Choice Quality" as established by regulations under the Meat and Canned Foods Act; to permit at all reasonable times an inspector representing the Minister to inspect the manufacturer's plant and premises to assure himself that the processing is being done in the best manner available, and the Minister may if an inspector reports that fifteen per cent of the manufacturer's output is grading below "Choice Quality" suspend or cancel this agreement or penalize the manufacturer by deducting the profit payable hereunder in respect of all output graded below "Choice Quality";



(c) to process and pack each of the following varieties of apples separately:

Stark	Ribston	Greening
Baldwin	Golden Russet	Northern Spy
Gravenstein	King	Wolf River
Ben Davis	Blenheim	Fallawater
Gano	Nonpareil	Wagner

(d) to process and pack the following varieties of apples:

McIntosh	Royal Russet	Macoun
Cox Orange	Fameuse	Rome Beauty
Baxter	Jonathan	Salome
Canadian Baldwin	King George	Spitzenberg
Cooper Market	Lawfam	Winesap
Delicious	Linda	York Imperial
		Hubbardston

together with any other unnamed varieties of comparable manufacturing quality.

(e) to pay to a Central Selling Agency approved by the Minister the following prices according to grade and size:

No. 1 grade, $2\frac{1}{2}$ " up.....	\$1.69 per barrel
No. 1 grade, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	1.51 per barrel
Domestic, $2\frac{1}{2}$ " up.....	1.24 per barrel
Domestic, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	1.03 per barrel

provided that in the case of the unnamed varieties mentioned in paragraph (d), each of the above mentioned prices shall be reduced by twenty-five cents per barrel. Payment shall be made on or before December 15, 1939, for apples delivered up to and including November 30, 1939, and monthly thereafter on or before the fifteenth day of the month;

(f) to accept for processing at his plant fall varieties (Gravenstein, Blenheim and Ribston) only as required for prompt processing, and to accept such quantities of other varieties for storage at his plant as cannot be stored in any available packing plant: provided, however, that the manufacturer shall not accept delivery of apples to be held out-of-doors in excess of what can be processed by January 1, 1940; and provided further that after January 1, 1940, no apples shall be accepted for processing in excess of the capacity of the plant to manufacture promptly;

(g) to insure and keep insured all processed products in storage until the same are sold or delivered as directed by the Minister as herein provided;

(h) to maintain proper accounting records including vouchers, payrolls and invoices to show all items of expense incurred and forming any part of the costs incurred for processing; to keep stock records of apples received for processing supported by inspection certificates of the Department of Agriculture, records of the processed products in stock and sales thereof and such other records as may be required by the Minister of Finance to support transactions under this contract, and to make available to a representative of the Minister of Finance all accounting and other records for inspection and audit;

(i) to report to the Minister within five days after the end of each calendar month the total quantity of apples accepted for processing according to varieties, grades and sizes thereof, the quantity of canned or dried apples processed during the said month and the expenditure incurred during the month for processing;

(j) to use his best endeavours to sell the goods as processed by him at prices not less than minimum prices approved by the Minister and to sell and deliver the whole or any part of the goods processed at such time and place and at such price and to such person including the Minister as the Minister may

direct and shall be entitled to be paid by the Minister in accordance with the terms of clause 2 hereof, provided that the manufacturer shall sell and deliver to the Minister all processed goods remaining on hand on May 15, 1940.

2. Upon the production of satisfactory records and statements of account the Minister agrees to pay to the manufacturer the sum of the following amounts,—

(a) the amount paid to the Central Selling Agency for apples purchased for processing in accordance with the terms of this agreement;

(b) the actual cost paid or incurred by the manufacturer of delivering or trucking the said apples to his plant but not in excess of ten cents per barrel of apples so delivered;

(c) the amount of the direct processing cost of all apples processed by the manufacturer under the terms of this agreement, which direct processing cost shall be computed as provided for in subsection (2) of this clause;

(d) an allowance per barrel of apples processed by the manufacturer under the terms of this agreement equal to 8 per centum of the sum of (a) and (c) above, to cover overhead and other general expenses incurred by the manufacturer under the terms of this agreement otherwise provided for herein and to provide for a return on his investment;

(e) an amount to cover actual out-of-pocket expenditures incurred for storage and insurance of processed products stored until sold or delivered to the Minister as herein provided; and

(f) an allowance for selling expenses equal to 4 per centum of the amount of any sales of products processed under the terms of this agreement made by the manufacturer to any person other than the Minister less the amount of any sales of products processed under the terms of this agreement made by the manufacturer, and less a deduction to be made by the Minister if the manufacturer produces less than ten one-gallon tins of canned apples or twelve pounds of dried apples per barrel of fresh fruit, such deduction to be made from the allowance on account of the purchase price of fresh fruit delivered to his plant proportionate to the shortage aforesaid and to be calculated by reference to the average price of all fresh fruit purchased by the manufacturer from or through the Central Selling Agency, and less a further deduction to be made by the Minister of the amount whereby minimum prices approved by the Minister exceed the sale prices of goods processed hereunder sold by the manufacturer, provided that no such deduction shall be made in the case of goods delivered pursuant to bona fide contracts entered into prior to 21st day of September, 1939.

(2) For the purposes of this agreement, direct processing cost shall mean the sum obtained by multiplying the number of barrels of apples processed by the manufacturer under the terms of this agreement by the weighted provincial average of the direct processing cost per barrel of all apples processed under the terms of this agreement and of agreements identical in terms entered into with all other manufacturers, provided that the said weighted provincial average shall be as computed by the Minister of Finance on the basis of actual out-of-pocket expenditures for labour manufacturing materials other than apples, minor repairs and parts, fuel and power, and provided further that if the direct processing cost of the manufacture should be lower or higher than the weighted provincial average then for the purpose of calculating the amounts referred to in paragraphs (c) and (d) of subsection (1) of this clause the weighted provincial average shall be adjusted downwards or upwards as the case may be by one-half of the amount by which the direct processing cost of the manufacturer is lower or higher than the weighted provincial average.

(3) It is understood and agreed as follows:

- (a) If the proceeds from the sale of processed products exceed the cost of fresh fruit together with the processing costs and allowances to the manufacturer as provided herein, the excess shall be paid to the Central Selling Agency for distribution to growers on a pro rata basis.
- (b) In the event of there being any dispute between the parties hereto with respect to any matter arising under this agreement the decision of the Minister shall be final and binding.
- (c) Pursuant to the provisions of the Statute in such case made and provided, no Member of the House of Commons of Canada shall be admitted to any share or part of this contract, or to any benefit to arise therefrom.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....  
Manufacturer  
.....  
Minister of Agriculture

**Order in Council authorizing Proclamation—Day of Humble Prayer and Intercession, Sunday, October 8, 1939**

P.C. 2881

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 27th September, 1939*

The Committee of the Privy Council, on the recommendation of the Acting Secretary of State, advise that a Proclamation do issue in the terms of the annexed draft, setting apart Sunday, October 8, 1939, as a day to be throughout the Dominion of Canada a day of Humble Prayer and Intercession to Almighty God touching the war in which Canada is now engaged.

(Sgd). H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

*Canada Gazette (Extra) 27th September, 1939*

**PROCLAMATION**

TWEEDSMUIR  
[L.S.]

**CANADA**

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come or whom the same may in anyway concern,—GREETING:

**A PROCLAMATION**

W. STUART EDWARDS,  
Deputy Minister of  
Justice, Canada.

Whereas We, by and with advice of Our Privy Council for Canada, proclaimed, by Our Proclamation bearing date the Tenth day of September in the



year of Our Lord one thousand nine hundred and thirty-nine, that a state of war exists between Our said Dominion and the German Reich;

And whereas our Dominion of Canada has been forced to take up arms in defence of rights and liberties unjustly attacked and to prevent unprovoked aggression;

We, therefore, believing it to be fitting that Our people of Canada should be enabled to make a public and solemn avowal of duty to Almighty God and of need of guidance, have thought fit, by and with the advice of Our Privy Council for Canada, to appoint, and We do hereby appoint Sunday, the Eighth day of October next to be throughout Our Dominion of Canada a day of Humble Prayer and Intercession to Almighty God on behalf of the cause undertaken by Canada, by the United Kingdom and other Dominions of the British Commonwealth of Nations, and by Allied and Associated Powers and all those who are offering their lives for our cause, and for a speedy and favourable peace that shall be founded on understanding and not hatred, to the end that peace shall endure; and We do hereby invite all Our loving subjects throughout Canada to set apart this appointed day as a day of Humble Prayer and Intercession.

Of all which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twenty-seventh day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,

*Under-Secretary of State.*

Order in Council amending Regulation 39—Defence of Canada—  
Printing of prejudicial statements

*Canada Gazette (Extra) October 4, 1939*

P.C. 2891

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by regulation 15 of the Defence of Canada Regulations provision is made to control publications in Canada which would or might be prejudicial to the safety of the State or the efficient prosecution of the war;

And whereas by regulation 39 the spreading by word of mouth of reports or statements likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated powers or to prejudice His Majesty's relations with foreign powers, or to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces, is prohibited;

And whereas the Minister of Justice reports that it is considered desirable that the printing, circulation or distribution of any written document containing any material, report or statement having the effect indicated in the said regulations 15 and 39 be prohibited;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to make the following Regulation and it is hereby made, established and added to the Defence of Canada Regulations, made by P.C. 2483, September 3, 1939, immediately after regulation 39 thereof:

"39A. No person shall print, circulate or distribute, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind containing any material, report or statement false or otherwise,

- (a) intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated power, or to prejudice His Majesty's relations with foreign powers, or
- (b) intended or likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces, or
- (c) which would or might be prejudicial to the safety of the State or the efficient prosecution of the war."

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council amending Prize Court Regulations—P.C. 2489,  
September 5, 1939

*Canadian Gazette, October 7, 1939*

P.C. 2892

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas orders and regulations were made by Order in Council P.C. 2489 of the 5th day of September, 1939, passed pursuant to the provisions of the War Measures Act, whereby the Exchequer Court of Canada on its Admiralty side was constituted and established a Prize Court, and provision was made for the exercise of Prize jurisdiction in Canada;

And whereas the Minister of Justice reports that it is now considered advisable, for the purpose of making certain amendments thereto, to revoke the said orders and regulations and substitute therefor orders and regulations as hereunder:

Now, therefore, His Excellency the Governor General in Council, in the exercise of the powers conferred by the War Measures Act, is pleased to order that the said orders and regulations made by Order in Council P.C. 2489 of the 5th September, 1939, be and they are hereby revoked and the following orders and regulations are hereby made and substituted therefor.

1. The Exchequer Court of Canada on its Admiralty side is hereby constituted and established a Prize Court and is hereby authorized and required to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships, vessels, aircraft and goods that are or shall be taken, and to hear and determine the same, and according to the course of Admiralty and the Law of Nations, and the statutes, rules and regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels, aircraft, and goods as shall belong to any enemy country or the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of any enemy country or which are otherwise condemnable as prize.

2. The powers and authorities conferred by this order shall be exercised by such of the Judges of the Exchequer Court of Canada and such of the district judges in Admiralty as may be designated from time to time by the Minister of Justice.

3. (1) The Governor in Council may appoint a judge of any provincial Superior Court to be an ad hoc judge of the Exchequer Court of Canada on its Admiralty side to hold office and to exercise the powers and authorities herein provided, during pleasure.

(2) Such judge shall be paid, during the period he continues to hold the office of ad hoc judge as aforesaid, such additional salary and expenses out of funds provided by Parliament for the purpose as may be determined by the Governor in Council.

(3) The powers and authorities to be exercised by such judge shall be limited to causes or matters in Prize.

4. (1) The Governor in Council may appoint a person who is qualified to be appointed a judge of a provincial Superior Court to be a judge of the Exchequer Court of Canada on its Admiralty side to hold office and to exercise the powers and authorities herein provided, during pleasure.

(2) Such person shall be paid, during the period he continues to hold the office of judge as aforesaid, such salary and expenses out of funds provided by Parliament for the purpose as may be determined by the Governor in Council, but the provisions of the Judges Act with regard to superannuation of Superior Court judges shall not be applicable.

(3) The powers and authorities to be exercised by such person shall be limited to causes or matters in Prize.

5. The Minister of Justice may designate from time to time, by notice published in the *Canada Gazette*, the judges or persons who are authorized to exercise the powers and authorities under this order, and the places at which they may be exercised, and may designate by name or office the persons who may act as registrars, marshals, and other officers of the Court in this behalf.



6. (1) The said Court, or any judge thereof, acting under this order shall, pending the making of rules of practice and procedure hereunder or the enactment of legislation in respect of prize by the Parliament of Canada, be governed by the statutes, rules and regulations with regard to prize, including practice and procedure in prize matters, in force in the United Kingdom, from time to time.

(2) Without restricting the generality of the foregoing, the Court shall, for the purpose of making provision for the transfer of proceedings in prize, be governed by and shall apply the Prize Courts Act, 1915, and the Naval Prize (Procedure) Act, 1916, of the Statutes of the United Kingdom, and shall be deemed to be a Prize Court within the meaning of such Acts and shall be empowered to deal with any proceedings remitted to the Court from Prize courts established in other parts of His Majesty's dominions accordingly.

7. Rules of practice and procedure in Prize matters may be made from time to time by the Governor in Council.

8. The Prize Court thereby constituted and established shall be deemed a Prize Court within the meaning of section 5 of the Naval Prize Act, 1864, of the Statutes of the United Kingdom and shall have all powers which are necessary to enforce within Canada all orders and decrees of His Majesty in Council in prize appeals and all orders of a Prize Court exercising jurisdiction in any of His Majesty's dominions.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

## Order in Council amending Regulations—Defence Purchasing Board

P.C. 2896

### AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 27th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance reports,—

1. That owing to the outbreak of war and the urgency of obtaining supplies and munitions of war and of executing and carrying out defence projects promptly, it is in the public interest, as a temporary measure pending the taking over by the War Supply Board of the work of the Defence Purchasing Board and until the date on which the said Board commences to function which said date shall be declared by Order in Council, that the Defence Purchasing Board shall have wider authority than is conferred by The Defence Purchases, Profits Control, and Financing Act, 1939;

2. That the Chairman of the Defence Purchasing Board has pointed out that due to his being the only member devoting his entire attention to the work of the Board and because of the probable multiplicity of urgent transactions, it is desirable that a procedure be authorized whereby orders may be given and

contracts made quickly and efficiently whenever urgency exists, and that, in this connection, it is particularly desirable that the Chairman of the Board have authority of his own motion to give purchase orders or to make contracts in respect of munitions and supplies up to some specified limit on the amount involved and in other cases when authorized by the Minister of Finance, it being pointed out that under authority of Order in Council P.C. 1504, dated June 15, 1918, as affected by Order in Council P.C. 353, dated February 17, 1919, the Department, then known as Militia and Defence, received authority for the purchase of supplies and equipment up to \$15,000 upon the requisition of the Deputy Minister of the Department, without the approval of the Ministerial head of the Department and without authority of the Governor in Council;

3. That under the existing conditions calling for immediate action from hour to hour, it is highly essential the Chairman of the Board have authority to act on the instant in cases where he considers the public interest requires it and without the necessity of previous approval of the Minister of Finance in cases where the amount involved is of moderate proportions having regard to the expenditures necessarily being made at this time and in other cases authorized by the Minister of Finance.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased, notwithstanding anything contained in The Defence Purchases, Profits Control, and Financing Act, 1939, to order and it is hereby ordered as follows:—

1. The Defence Purchasing Board may make contracts for defence equipment or defence projects which involve expenditure either in excess of \$5,000 or of that amount or less;

2. In the case of any purchase order or contract for munitions or supplies as defined by Order in Council P.C. 2696 dated September 15, 1939, where in the opinion of the Chairman of the Board the case is one of urgency due to military considerations of the moment and

(a) where delivery is to be made within sixty days and the amount involved does not exceed \$15,000 or

(b) in any other case in which the Minister of Finance so authorizes.

The Chairman of the Board may of his own motion or without further authority, as the case may be, give any such order or make any such contract and the amount of the same may be accepted as commitments against the appropriations provided for the Department of National Defence services, and the Chairman of the Board shall report promptly to the Minister of Finance the particulars of such purchase orders or contracts stating the commodity, the amount involved, the price and the method of arriving at same, with the opinion of the Chairman of the Board as to the reasonableness thereof and as to the urgency of the transaction;

3. The following provisions shall apply to the Defence Purchasing Board in lieu of the provisions under subsections four and five of Section 4 of the said Defence Purchases, Profits Control, and Financing Act, 1939, namely:—

In respect of all contracts to be made by the Board or to be entered into on its behalf, the following regulations shall obtain as far as practicable:

(a) tenders shall be called for;

(b) purchases shall be made and contracts given at the lowest price offered.

These regulations may be departed from only in cases of urgency due to military considerations of the moment or for other good and sufficient reason, and in any such case the grounds of the departure shall be clearly recorded.

4. On account of the considerations referred to in the first paragraph hereof, Section 7 of the said Defence Purchases, Profits Control, and Financing Act, 1939, shall not be applicable to or binding upon the Defence Purchasing Board or to any contract entered into by the Board after the date of the coming into force of this Order until the said date, to be declared as aforesaid, upon which the War Supply Board commences to function;

5. The Contracts Branch of the Department of National Defence shall, until the date to be declared as aforesaid, upon which the War Supply Board commences to function, be subject to the direction and supervision of the Defence Purchasing Board, and from and after such date the officers, clerks and employees of the said Contracts Branch shall be transferred to the staff of the said War Supply Board;

6. Order in Council P.C. 2709, dated September 15, 1939, is hereby repealed and the provisions of this Order shall be deemed to have come into effect on September 15, 1939.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

#### Order in Council providing Agreement—Ontario Apples

P.C. 2905

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 27th September, 1939.*

The Committee of the Privy Council have had before them a report, dated 27th September, 1939, from the Minister of Agriculture stating that further representations have been received from the Agricultural Supplies Committee to the effect that the apple growers in the Province of Ontario, as a result of a shortage or absence of ocean-going cargo space, loss of export markets and other restrictions resulting from the war, are confronted with the impossibility of exporting apples ordinarily marketed in the United Kingdom and Europe and that in the opinion of the said Committee, it is advisable in order to secure the continuity of the industry, to endeavour to extend the domestic market for these apples and to compensate in part the growers for losses sustained as a result of the market restrictions aforesaid;

That the Agricultural Supplies Committee estimates that the market restrictions aforesaid will impede or prevent the exportation of 75,000 barrels from Ontario; and

That the Agricultural Supplies Committee advises and recommends that an arrangement be made for the purchase of surplus apples grown in Ontario of varieties, grades and sizes ordinarily exported, not exceeding in all 75,000 barrels, at the prices to be ascertained in the manner set out in the form of agreement annexed hereto.

The Minister, therefore, recommends that he be authorized, in virtue of the powers conferred by the War Measures Act, to enter into an agreement with the Ontario Fruit Export Association, the said agreement to be in the form annexed hereto.



The Minister further recommends that under the authority of The War Appropriation Act, 1939, the sum of \$125,000 be allotted from the appropriation granted by the said Act to cover the arrangement to be entered into by the Minister of Agriculture.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP  
*Asst. Clerk of the Privy Council.*

MEMORANDUM OF AGREEMENT entered into this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 1939.

BETWEEN:

The Ontario Fruit Export Association, a body politic having its Head Office in the City of Toronto, in the Province of Ontario, hereinafter called the "Association"

OF THE FIRST PART

—and—

His Majesty the King, in the right of Canada and herein represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Association as a result of a shortage or absence of ocean-going cargo space, loss of export markets and other restrictions resulting from the war is confronted with the impossibility of marketing a large part of the apples grown in Ontario in 1939 which normally would be marketed in the United Kingdom and Europe;

Whereas the Minister has been authorized under the War Measures Act to enter into an arrangement with the Association to safeguard growers in part against losses which would otherwise be suffered.

Witnesseth that in consideration of the premises, the parties hereto covenant and agree as follows:

1. The Association agrees to dispose, in so far as possible, of all apples grown in Ontario in 1939 of the export varieties and grades hereinafter mentioned.

2. The Minister agrees to buy from the growers through the Association all apples not exceeding seventy-five thousand barrels remaining undisposed of on March 31, 1940, provided that earlier than March 31 aforesaid the Minister may buy any of the aforesaid total quantity, at prices per variety and grade to be determined by the Minister on the basis of 65 per cent of the 3-year average of their prices f.o.b. packing plants for such varieties and grades sold in the export markets.

3. This Agreement shall extend to No. 1 and domestic grades of the following varieties, namely: Baldwin, Ben Davis, Gano, Greening, Jonathan, McIntosh, Northern Spy, Pippin, Russett, Salome, Snow (Fameuse), Stark.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....  
.....  
Minister of Agriculture.

# Order in Council authorizing purchase and sale of Fibre Flax Seed

*Canada Gazette, 21st October, 1939*

P.C. 2906

## AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 5th day of October, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports that he has received the following representations from the Agricultural Supplies Committee:

1. That it is important that steps be taken immediately to ensure that the 1939 Canadian crop of fibre flax seed will be used constructively in the production of supplies essential to the linen industry in Great Britain and Northern Ireland;

2. That for a number of years the Department of Agriculture has co-operated with the Government of Northern Ireland in developing in Canada the production of seed of fibre flax varieties approved by the linen industry and the Government of Northern Ireland;

3. That in 1939 Canadian production of fibre flax seed is estimated at twenty-nine thousand (29,000) bushels of field inspected certified seed and at thirty thousand (30,000) bushels of uncertified seed;

4. That the Government of Northern Ireland has transmitted, through the Department of Agriculture, an offer of five dollars and fifty cents (\$5.50) per bushel, f.o.b. shipping point, for all number one certified seed not required in Canada for next year's seeding;

5. That the Flax Control Board of Great Britain is negotiating through the Department of Agriculture for the production and purchase in Canada of at least ten thousand (10,000) tons of fibre in 1940;

6. That seed available in Canada from the 1939 crop is insufficient to make it possible to meet in full the demands which have already developed from these two sources; and

7. That if control of available supplies of seed in Canada is not taken immediately there is danger that this resource will in part be dissipated through speculative and ill-advised promotional activities.

Therefore His Excellency the Governor General in Council on the recommendation of the Minister of Agriculture, is pleased to order and it is hereby ordered that until further notice licences for the export from Canada of fibre flax seed shall be withheld unless recommended by the Agricultural Supplies Committee.

His Excellency in Council, on the same recommendation, is hereby further pleased to authorize the Agricultural Supplies Committee to arrange for the purchase of available supplies of fibre flax seed in Canada at prices of five dollars and fifty cents (\$5.50) per bushel for number one certified seed and at four dollars and twenty-five cents (\$4.25) per bushel for uncertified seed, less freight differentials to Montreal in each case; to organize flax production activi-

ties in Canada in 1940; to sell from the seed so purchased supplies required for seeding purposes; to sell for export to Great Britain or Northern Ireland all seed purchased and not required for 1940 seeding in Canada, and to make all necessary arrangements for storage and exportation.

His Excellency in Council is also pleased to direct that credits be provided to the said Committee in instalments not to exceed \$100,000 and to a total amount not to exceed \$300,000 to the thirty-first of March, 1940, and that the financial control be arranged as between the Comptroller of the Treasury and the Committee on a basis to assure eventual repayment to the Treasury of the credits so provided.

(Sgd ) H. W. LOTHROP  
*Asst. Clerk of the Privy Council.*

**Order in Council authorizing War Supply Board to act as Agent for  
British Purchasing Mission**

P.C. 2921

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 28th September, 1939.*

The Committee of the Privy Council have had before them a report, dated 28th September, 1939, from the Minister of Finance submitting:—

1. That subsection (3) of Section 5 of the Order in Council constituting the War Supply Board (P.C. 2696 dated September 15, 1939) reads as follows:—

“(3) With the approval of the Minister, the Board shall have authority—

- (a) to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada and to procure the execution and carrying out of Defence projects for, during, or respecting the present war, and to enter into contracts therefor;
- (b) to control or supervise and, if authorized by the Governor in Council to procure, purchase and acquire and enter into contracts for the procuring, purchasing or acquisition of munitions of war and supplies for any of His Majesty's Governments or for the Government of any Allied or Associated Power.”

2. That the Chairman of the British Purchasing Mission in Canada has requested that the War Supply Board may be authorized to act as agent for His Majesty's Government in the United Kingdom, to perform the duties specified in paragraph (b) of subsection (3) of Section 5 of the Order in Council above mentioned, in respect of orders to be placed in Canada on behalf of His Majesty's Government in the United Kingdom and represents that these orders will relate primarily to munitions of war and supplies required by the Ministry of Supply and Defence Departments of Great Britain.

The Minister, therefore, recommends that under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, the War Supply Board be hereby authorized to perform the duties specified in paragraph (b) of subsection (3) of Section 5 of Order in Council P.C. 2696 dated



September 15, 1939, in respect of the procuring, purchasing and acquisition of munitions of war and supplies as defined in the said Order in Council for His Majesty's Government in the United Kingdom whether at the instance of or through the medium of the British Purchasing Mission or otherwise.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

## Order in Council amending Defence of Canada Regulations—Essential Services

*Canada Gazette, 7th October, 1939*

P.C. 2926

### AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 29th day of September, 1939.

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL:

Whereas subparagraph (d) of paragraph (1) of Regulation 2 of the Defence of Canada Regulations provides, inter alia, that "essential services" means such services as may for the time being be declared by the Governor in Council to be essential to the life of the community;

And whereas it has been represented to the Minister of Justice that a declaration to the effect that certain services are essential to the life of the community would enable the civil authorities to enforce the provisions of the Defence of Canada Regulations relating to trespassing and loitering on or near premises used or appropriated for the purpose of essential services and those regulations which prohibit the doing of any act with intent to impair the efficiency or impede the working of any undertaking engaged in the performance of such services;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased, with a view to assisting the civil authority in the enforcement of the Defence of Canada Regulations, to order that the following services be and they are hereby declared to be "essential services," for the purposes of the said Regulations, that is to say,—

- (a) any undertaking for the supply of electricity, gas or water;
- (b) any sewer, or sewage disposal undertaking or any undertaking for the collection or disposal of refuse; and
- (c) any municipal services, property and utilities.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

*Canada Gazette, 7th October, 1939*

P.C. 2929

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 29th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas subparagraph (h) of Regulation 2 of the Defence of Canada Regulations provides that a "senior police officer" means any officer of the Royal Canadian Mounted Police not below the rank of inspector; any officer of any provincial police force of a like or superior rank; the chief constable of any city or town with a population of not less than ten thousand; or any person upon whom the powers of a senior police officer are, for the purposes of the Regulations, conferred by the Governor in Council;

And whereas paragraph (1) of Regulation 58 of the said Regulations provides, inter alia, that if a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorizing any senior police officer, together with any other persons named in the warrant, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid;

And whereas the Minister of Justice states that the Commissioner of the Royal Canadian Mounted Police reports that there are many places in Canada where detachments of the Force are in charge of non-commissioned officers or constables and that it is difficult in many localities to have present at every search a senior officer of the Royal Canadian Mounted Police;

That the Commissioner further reports that the non-commissioned officers and constables of the Force are quite competent to execute such searches and therefore has requested that for the purposes of paragraph (1) of Regulation 58 of the Defence of Canada Regulations the powers of a senior police officer be conferred by the Governor in Council upon non-commissioned officers and constables of the Royal Canadian Mounted Police;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to order and it is hereby ordered that for the purposes of carrying out the provisions of paragraph (1) of Regulation 58 of the Defence of Canada Regulations, the non-commissioned officers and constables of the Royal Canadian Mounted Police shall be deemed to be senior police officers within the meaning of subparagraph (h) of Regulation 2 of the said Defence of Canada Regulations.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

## Order in Council appointing Hides and Leather Administrator

*Canada Gazette, 7th October, 1939*

P.C. 2975

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on 3rd October, 1939.*

The Committee of the Privy Council have had before them a report, dated 3rd October, 1939, from the Minister of Labour, submitting:

That he has received representations from the Wartime Prices and Trade Board to the effect:

1. That the United Kingdom Government has acquired control over supplies of hides and leather in the United Kingdom and is negotiating with certain other countries from which Canada normally draws a large part of its requirements of hides;

2. That the United Kingdom Government has appointed a Leather Controller with broad powers to control imports and exports, to fix maximum prices, and to purchase supplies of hides in overseas countries; and

3. That, in view of this situation and the consequent desirability of co-operation with the United Kingdom authorities in regard to the supply and allocation of hides and leather, the Wartime Prices and Trade Board deems it advisable to appoint a Hides and Leather Administrator in Canada to make whatever arrangements may be necessary to ensure continuity of supply and equitable allocation thereof.

The Minister, therefore, on the advice of the Wartime Prices and Trade Board, recommends:

(1) That the appointment of Maurice Samson, Esquire, of the city of Quebec, as Hides and Leather Administrator be approved; and that he be responsible, in co-operation with the industries concerned and under the direction of the Board, for the conduct of negotiations with the United Kingdom Leather Controller, for arranging for supplies of hides and leather to be imported into Canada, for supervision of the purchase, shipment, delivery and allocation of hides and leather, whether domestic or imported, and for such other duties as may be assigned to him by the Board.

(2) That the recommendation of the Wartime Prices and Trade Board that the said Maurice Samson shall receive a salary of one dollar per annum and his actual transportation expenses and a living allowance of twenty dollars per diem while absent from his place of residence in connection with the duties aforesaid, be approved.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



Order in Council prohibiting export of chum salmon in a fresh state.  
B.C.

*Canada Gazette, 21st October, 1939*

P.C. 2997

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 5th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Fisheries reports that the Government of the Province of British Columbia has, owing to war conditions and with a view to conserving food supplies for use within the British Empire, refused to license the processing of salmon in dry salted form for the current season;

That salmon processed by such method of curing is not utilized within the British Empire;

That it has now been represented that considerable quantities of chum salmon, ordinarily used for dry salting purposes, caught by British Columbia fishermen, are being exported from Canada in a fresh state for processing elsewhere; and

That to prevent circumvention of the action taken by it, the Government of the Province of British Columbia has requested that the export of such fresh salmon should not be permitted.

Now, therefore, with a view to meeting the above request, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order that for the current season, to and including December 31, 1939, the export from the Dominion of Canada of chum salmon in a fresh state be and it is hereby prohibited.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council authorizing hospitalization—Naval, Military and  
Air Forces—Pensions and National Health

*Canada Gazette, 21st October, 1939*

P.C. 3004

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 5th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Minister of Pensions and National Health and the Minister of National Defence report that the number of personnel of the Naval

Forces, the Militia and the Air Force of Canada who are now on active service, and the further increases in such number, necessitate provision being made for hospital treatment and institutional care for those who may need the same;

That the matter has been explored by Officers of the Departments of Pensions and National Health and National Defence, and in the opinion of the Ministers, it would be in the public interest if the hospital and treatment facilities of the Department of Pensions and National Health were utilized to the fullest possible extent;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Pensions and National Health and the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased, notwithstanding the provisions of any other Act, Law or Regulation, to make the following regulations pertaining to the hospital treatment and institutional care in Canada for members of the Naval Forces, the Militia and the Air Force of Canada on active service, hereinafter referred to as "members of the Forces," and in respect of matters of administration, and they are hereby made and established accordingly:

#### REGULATIONS

1. Should, in the opinion of the Medical Officers of the Department of National Defence, a member of the Forces on active service require hospital treatment or institutional care, such member of the Forces shall in the discretion of the Medical Officers of the Department of National Defence be referred to the Department of Pensions and National Health for the said hospital treatment or institutional care.

2. That, during such time as a member of the Forces is receiving hospital treatment or institutional care under the control and management of the Department of Pensions and National Health, he will continue to be subject to the laws pertaining to that Force to which he belongs, provided that if whilst undergoing such treatment or care a member of the Forces commits an offence under the Naval Discipline Act, Military Law or Air Force Law, as the case may be, or under any other Law pertaining to the Force to which such member of the Forces belongs, he shall forthwith be reported to such appropriate authority as may from time to time be designated by the Department of National Defence.

3. The Department of Pensions and National Health will, in respect of any member of the Forces receiving hospital treatment or institutional care under its control and management, furnish the Department of National Defence with such records and information, and in such manner as the Department of National Defence may from time to time require.

4. For the purpose of carrying out the provisions of these Regulations, the Minister of Pensions and National Health and the Minister of National Defence are each hereby authorized to make such Orders as are mutually arranged, and as are from time to time required.

5. That the cost of such treatment or care furnished by the Department of Pensions and National Health shall be chargeable against funds provided under the War Appropriation Act, 1939.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council amending Pensions and National Health Act, Statutes  
1928—hospitalization, Naval, Military and Air Forces

*Canada Gazette, 21st October, 1939*

P.C. 3005

AT THE GOVERNMENT HOUSE AT OTTAWA

Thursday, the 5th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 5, Part I, of the Department of Pensions and National Health Act, Chapter 39 of the Statutes of 1928, provides as follows:

"5. The Minister shall have the management and control of all such matters as are assigned to him from time to time by the Governor in Council, relating in any way to the care, treatment or re-establishment in civil life, of all persons who since the first day of August, one thousand nine hundred and fourteen served in the Naval Military or Air Forces of His Majesty or any of His Majesty's Allies, and to the care of the dependents of such persons."

And whereas Section 6, subsection (I) paragraph (j) of the said Act provides as follows:

"6. (I) (j) subject to the approval of the Governor in Council, the Minister may make such regulations from time to time, as he may deem necessary and advisable, for the purpose of carrying out the provisions of this part with respect to any matter placed under the control and management of the Minister."

And whereas under Order in Council, P.C. 3004, dated October 5, 1939, the treatment in Canada of members of the Naval, Military and Air Forces of Canada on active service has been placed under the control and management of the Minister of Pensions and National Health;

And whereas under Order in Council, P.C. 249, dated September 2, 1939, provision has been made under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, for the awarding of pensions on account of former members of the Naval, Military or Air Forces of Canada on active service under the same terms and conditions as may be awarded on account of former members of the Naval, Military or Air Forces of Canada who served during the Great War;

And whereas the regulations of the Department of Pensions and National Health with respect to the treatment of members and former members of the Forces made under Order in Council, P.C. 91, dated January 16, 1936, as amended, make no provision for the care and treatment of members and former members of the Naval, Military or Air Forces of Canada who serve or have served on active service during the War with the German Reich;

And whereas the Minister of Pensions and National Health is of the opinion that former members of the Naval, Military or Air Forces of Canada who have



served on active service during the War with the German Reich should be placed on a parity in all respects with former members of the Naval, Military or Air Forces of Canada who served during the Great War;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, is hereby pleased to further amend the regulations established by Order in Council P.C. 91, as follows:

1. Paragraph (h) of Clause I is rescinded and the following substituted therefor:—

“(h) ‘former member of the forces’ means any person who has served in any of the Naval, Military or Air Forces of Canada during the late war or any person who has served on active service in any of such forces during the war with the German Reich.”

2. Paragraph (k) of Clause I is rescinded and the following substituted therefor:—

“(k) ‘military service’ or ‘service’ or ‘served,’ unless the term is qualified, means and includes service in any of the Naval Military or Air Forces of Canada during the late war or active service in any of such forces during the war with the German Reich.”

3. Clause I is further amended by inserting between paragraphs (n) and (o) thereof the following paragraph:—

“(nn) ‘War with the German Reich’ means the war which commenced on the 3rd day of September, 1939.”

4. The following Class is added to Clause 2, immediately after Class 18:—

“Class 19.—A member of the Naval, Military or Air Forces of Canada on active service who requires treatment or institutional care.”

5. The following Class is added to Clause 19, immediately after Class 18 thereof:—

“Class 19.—No allowance or benefits.”

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

*(Canada Gazette, October 5, 1939)*

## GOVERNMENT NOTICE

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

*To all to whom these Presents shall come or whom the same may in anywise concern,*

GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order.

And whereas it has been represented to the undersigned that the French language Communist newspaper *Clarté* has been disseminating subversive propaganda in the Province of Quebec.

And whereas the press censors, after careful consideration, have come to the conclusion that immediate action should be taken to prevent the dissemination of this and similar subversive propaganda emanating from the same source.

And whereas the Director of Censorship concurs in the recommendation of the press censors.

Know you that the undersigned, the Acting Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada Regulations, is pleased to order and doth hereby order that the publication of the French language Communist newspaper, *Clarté* be prohibited.

Dated at the Department of the Secretary of State, at the City of Ottawa, this fourth day of October in the year of Our Lord, one thousand nine hundred and thirty-nine.

ERNEST LAPOINTE,  
*Acting Secretary of State.*

#### Order in Council respecting naturalization of Enemy Aliens

*Canada Gazette, 21st October, 1939*

P.C. 3041

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 11th October, 1939.*

The Committee of the Privy Council have had before them a report, dated October 5, 1939, from the Acting Secretary of State, representing that section 4 of the Naturalization Act, R.S.C. 1927, Chapter 138, after setting out the qualifications for naturalization, provides—

“The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Minister, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.”

The Minister states that, in exercising the discretion lodged in him by the provision of the statute above recited, he has, since September 1, 1939, withheld the issue of naturalization certificates to applicants whose applications disclose that they have been German nationals;

The Minister further states that his action in so withholding the issue of certificate is only a temporary measure to enable further investigations and inquiries to be made, so that each case might be considered on its merits;

That it has, however, been reported to him that some Judges hearing naturalization applications and some Clerks of Court dealing with applications have interpreted this action as precluding the consideration by the Courts of all applications for naturalization by enemy nationals, and it seems desirable, to avoid discrimination and conflicting decisions, that the policy of the Department in this respect should be defined and approved by Your Excellency in Council; and

That many enemy aliens residing in Canada are persons who are not in sympathy with the Government and the system of government which have existed in the German Reich during recent years and that many of these people, while technically enemy aliens, are, in effect, refugees, and have expressed an eager desire to assist the cause of Canada in the present war.

The Minister, therefore, recommends that he be authorized to inform the Judges hearing naturalization applications and the Clerks of Court dealing with naturalization applications that applications for naturalization filed by enemy aliens should be received and considered in accordance with the regular practice prescribed by the Naturalization Act and that the fact that the applicant may be an enemy alien is not in itself to be regarded as a reason why the application should not be entertained, since all applications from enemy aliens will be specially and carefully considered in the Department of the Secretary of State before the issue of a certificate will be sanctioned.

The Minister also recommends that the finding of the Judge in each of these cases should indicate, if such be the fact, that the Judge has examined the applicant and has reached the conclusion that the applicant is clearly in sympathy with Canada in the present war and that he has no pro-German or other alien enemy affiliations or connections.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

**Order in Council prohibiting the use or possession of firearms,  
ammunition, dynamite—by Enemy Aliens**

*Canada Gazette, 21st October, 1939*

P.C. 3042

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that it is represented that the provisions of sections 119 and 120 of the Criminal Code respectively prohibiting the possession of firearms without a permit by aliens and providing for the issue of such permits by the authority of the Commissioner of the Royal Canadian Mounted Police or of the Attorney General of any province are inadequate at the present time in respect of possession of firearms and explosives by enemy aliens.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under and in virtue of the provisions of section 6 of the War Measures Act, 1914, is pleased to make the following Orders and Regulations for prevention of the use or possession of firearms,



ammunition, dynamite, gunpowder or other dangerous explosive within Canada by enemy aliens, and they are hereby made and established accordingly:—

1. The possession of firearms or any ammunition therefor or of any dynamite, gunpowder or other dangerous explosive within Canada by any enemy alien is prohibited;

2. It shall be the duty of every such person within Canada having in his possession or upon his premises any firearms or any ammunition therefor or any dynamite, gunpowder or other dangerous explosive within ten days from the publication of the ordinance in the *Canada Gazette* to cause such firearm, ammunition, dynamite, gunpowder or other dangerous explosive to be delivered to a justice of the peace residing or to an officer or constable of a police force of a province or city in or near the locality where such firearm, ammunition, dynamite, gunpowder or other dangerous explosive is had in possession or to an officer or constable of the Royal Canadian Mounted Police;

3. Any justice of the peace or any such officer or constable receiving any such firearm, ammunition, dynamite, gunpowder or other dangerous explosive shall give to the person delivering the same a receipt therefor and shall report the fact to the Commissioner of the Royal Canadian Mounted Police under whose direction the property so delivered shall be retained or otherwise disposed of;

4. If any enemy alien within Canada is reasonably suspected of having in his possession or upon his premises any firearm or ammunition therefor dynamite, gunpowder or other dangerous explosive he may be searched or his premises or any place occupied or believed to be occupied by him may be searched by any peace officer or by any officer or constable of the Royal Canadian Mounted Police without warrant and if any firearm, ammunition, dynamite, gunpowder or other dangerous explosive be found upon the person or premises of any such enemy alien or in any such place as aforesaid the same shall be seized and if such search and seizure shall have taken place after the expiration of the period of ten days hereinbefore mentioned the property so seized may be forfeited to the Crown and the person upon whom or upon whose premises or in whose possession any such firearm, ammunition, dynamite, gunpowder or other dangerous explosive is found shall further be liable to a penalty not exceeding Five hundred dollars (\$500) or to imprisonment for any term not exceeding three months;

5. It shall be an offence for any person to give, sell, hire, lease or transfer possession of any firearm, ammunition, dynamite, gunpowder or other dangerous explosive to any enemy alien and any person guilty of any such offence shall be liable to a penalty not exceeding One hundred dollars (\$100) or to imprisonment for any term not exceeding one month;

6. Any offence declared and any penalty or forfeiture imposed or authorized by this ordinance may be prosecuted, recovered or enforced by summary proceedings and conviction under the provisions of Part XV of the Criminal Code;

7. If any question arises under this ordinance or in any proceeding instituted thereunder or with reference to anything done or proposed to be done under the authority thereof as to whether any person is an enemy alien the onus of proof that any person so suspected or charged is not an enemy alien shall lie upon the accused in such proceeding.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council closing portion of Welland River to navigation

*Canada Gazette, 21st October, 1939*

P.C. 3060

AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 11th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Transport represents that a part of the Welland River is used as the intake and headrace to the Queenston power plant of The Hydro-Electric Power Commission of Ontario which develops electrical energy to the extent of approximately 500,000 horse-power; and

That it is deemed advisable to close to navigation for the duration of the war a portion of the Welland River, as affording easy means of committing sabotage to the said power plant;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the provisions of the War Measures Act, is pleased to grant and doth hereby grant authority for the closing to navigation of that portion of the Welland River which extends from the syphon culvert under the Welland Ship Canal, at Welland, Ontario, to the Niagara River, subject to exception in favour of such craft as may be required for maintenance and repair of the said portion of the Welland River and of such craft as may be granted permission by the Attorney-General of Ontario to navigate the said portion of the river.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council extending time, etc.—mining rights of holders enlisting  
with British or Allied Forces

*Canada Gazette, 21st October, 1939*

P.C. 3065

AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 11th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas under the several regulations for the disposal of mining rights, the property of the Crown, in the Yukon and Northwest Territories, provision

is made for the payment of rental, the installation of machinery, or the expenditure of certain amounts in prospecting, developing, and operating the location so acquired;

And whereas in case the rental is not paid, the machinery installed, or the prescribed expenditure incurred, the rights acquired under such regulations are subject to immediate forfeiture;

And whereas representations have been made to the Department of Mines and Resources that certain holders of mining rights under the said regulations have been accepted for active service in the defence of the Empire during the present war, and have left or are leaving the country on such service;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources, is pleased to order and it is hereby ordered that any person who may be accepted for and continues in active service in the defence of the Empire during the war, whether with the British or allied forces, and who is the holder of mining rights acquired under the provisions of any of the said regulations, shall be permitted to hold such rights free from the risk of cancellation owing to failure to comply with any of the requirements of the regulations under which the rights were acquired, until six months after his demobilization.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council*

**Order in Council granting pardon under certain circumstances to deserters  
from Permanent Force—re-enlisting**

*Canada Gazette, 21st October, 1939*

P.C. 3093

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 12th October, 1939.*

The Committee of the Privy Council, on the recommendation of the Minister of National Defence, advise that, in view of the present war and the necessities arising therefrom, pardons be granted those men of the Permanent Force who, on the 10th September, 1939, were in a state of desertion from that Force and who, on or before the 30th November, 1939, surrender themselves in Canada and re-enlist for service in the Canadian Active Service Force; such indulgence, however, not to extend to men who are undergoing imprisonment for other than military offences.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



Order in Council authorizing purchase of railway equipment,  
C.N.R. and C.P.R., re abnormal traffic

P.C. 3105

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 12th October, 1939.*

The Committee of the Privy Council have had before them a Joint Report, dated 12th October, 1939, from the Minister of Finance and the Minister of Transport, submitting;

1. That the Canadian National Railway Company (hereinafter called the National Company) and the Canadian Pacific Railway Company (hereinafter called the Pacific Company) have examined their facilities for movement of the abnormal traffic arising out of war conditions and anticipate there will be a large increase in exports and a considerable rerouting of traffic on account of restrictions on shipping;

2. That the National Company and the Pacific Company consider that they can take care of the anticipated movement except in the matter of railway equipment, which is not more than sufficient to meet their normal requirements;

3. That the National Company and the Pacific Company represent that additional railway equipment is urgently required and have requested that the Government of Canada make arrangements to provide such additional railway equipment;

4. That there is no existing authority or appropriation under which the National Company may purchase this railway equipment or under which the Governor in Council may make loans to the National Company for this purpose;

5. That the Pacific Company has represented that in the present disturbed condition of the money market the financing of the necessary expenditures without the aid of the Government of Canada would be costly and difficult;

6. That the Board of Transport Commissioners in a report to the Minister of Transport have indicated that the need of additional equipment by the National Company and the Pacific Company is very acute;

7. That in the opinion of the Ministers it is desirable that the Government of Canada should acquire such equipment as is urgently needed and should lease it to the National Company and the Pacific Company by way of a hire purchase agreement;

8. That under the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, the Governor in Council may do and authorize such acts and things and make from time to time such orders and regulations as he may deem necessary or advisable for the security, defence, peace, order and welfare of Canada and for greater certainty but not so as to restrict the generality of the foregoing the said Act provides that the powers of the Governor in Council shall extend to all matters within certain classes of subjects including the transportation by land, air or water and control of the transport of persons and things; and

9. That in the opinion of the Ministers it is necessary for the security, defence, peace, order and welfare of Canada that assistance as hereinafter provided should be given the National Company and the Pacific Company for the acquisition of railway equipment urgently required.

The Ministers, therefore, recommend that under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927,—

1. The Defence Purchasing Board and/or the War Supply Board, on the requisition of the Minister of Transport, be authorized to enter into negotiations for the purchase on behalf of His Majesty in the right of Canada, of such railway equipment as shall in the opinion of the Board of Directors of the National Company be urgently required and as may be approved by the Min-

ister of Transport, at prices not to exceed in the aggregate \$15,000,000 upon terms to be approved by the Governor in Council.

2. The Minister of Finance be authorized to enter into negotiations with the National Company for the leasing and delivery of such railway equipment to the National Company by way of a hire purchase agreement upon terms to be approved by the Governor in Council.

3. The Defence Purchasing Board and/or the War Supply Board, on the requisition of the Minister of Transport, be authorized to enter into negotiations for the purchase on behalf of His Majesty in the right of Canada of such railway equipment as shall in the opinion of the Board of Directors of the Pacific Company be urgently required and as may be approved by the Minister of Transport at prices not to exceed in the aggregate \$10,000,000 upon terms to be approved by the Governor in Council.

4. The Minister of Finance be authorized to enter into negotiations with the Pacific Company for the leasing and delivery of such railway equipment to the Pacific Company by way of a hire purchase agreement upon terms to be approved by the Governor in Council.

The Ministers further recommend that under the authority of the War Appropriation Act, 1939, the sum of \$7,500,000 be allotted from the Appropriation granted by the said Act for the purposes hereof until further expenditures for these purposes are authorized by Parliament.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

**Order in Council amending Defence Purchasing Board Regulations**  
**P.C. 3109**

**AT THE GOVERNMENT HOUSE AT OTTAWA**

**THURSDAY, the 12th day of October, 1939.**

**PRESENT:**

**HIS EXCELLENCY**

**THE GOVERNOR GENERAL IN COUNCIL:**

His Excellency the Governor General in Council, in view of the emergency created by the sudden illness of the Chairman of the Defence Purchasing Board and his temporary inability to perform the duties of that office, is pleased, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, and notwithstanding anything contained in The Defence Purchases, Profits Control, and Financing Act, 1939, to order and it is hereby ordered as follows:—

1. The following provisions shall apply to the Defence Purchasing Board in lieu of the provisions contained in subsection (7) of Section 3 of The Defence Purchases, Profits Control, and Financing Act, 1939, namely:—

“Two members of the Board shall constitute a quorum.”

2. In the absence, incapacity, or other inability of the Chairman of the Defence Purchasing Board to perform the duties of his office the Vice Chairman of the Board for the time being shall have and may exercise all the powers, authorities and discretions exercisable by the Chairman of the Board under and by virtue of The Defence Purchases, Profits Control, and Financing Act, 1939, and Order in Council P.C. 2896 dated 27th September, 1939.

3. The provisions of the Order in Council shall have effect on and from October 12, 1939.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



Order in Council with respect to Civil Service Insurance—War  
endorsement re enlisted Civil Servants

P.C. 3114

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance reports:—

1. That the Civil Service Insurance Act, R.S.C., 1927, Chap. 23, provides in section 15 thereof, that the premiums payable on policies issued thereunder shall be based on the H.M. Mortality Table of the Institute of Actuaries of Great Britain, and on a rate of interest of six per centum, no allowance being made for expenses;

2. That there is no provision in the said Act for increasing the premiums computed on the said bases to cover extra hazardous occupations, and, specifically, to cover war risk;

3. That it is the universal practice of private life insurance companies, in time of war, to issue new policies only with a provision for an increase in the premium payable by the insured, or a reduction in the amount payable by the insurer, or both, in the event of the enlistment of the insured for war service in specified forces or territories, or in the event of the death of the insured resulting from war while engaged in other service, travel or flight in specified territories;

4. That the enlistment of substantial numbers of persons insured under the said Act for war service is to be expected and an increase in the normal risk thereunder is inevitable without compensatory increase in the premiums received unless a variation of the premiums and benefits to cover the risk of war is authorized; and

5. That for the foregoing reasons it is desirable that, under the provisions of the War Measures Act, authority be granted for the attachment of an appropriate war endorsement to policies issued on and after a specified date.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the provisions of the War Measures Act, R.S.C. 1927, Chap. 206, is pleased to grant and doth hereby grant authority for the attachment of a war endorsement in the form of Schedule A hereto, to every policy issued under the Civil Service Insurance Act on and after the first day of September, 1939, and until the termination of the present war, unless notice of the acceptance of the application for such policy was given to the applicant therefor prior to the said first day of September.

His Excellency in Council is hereby further pleased to order:—

1. That the additional premiums payable by the insured under the said endorsement, in default of the payment of which the amount payable under the policy will be reduced, shall, unless and until order is made to the contrary, be those set forth in Schedule B hereto; and

2. That any such order to the contrary shall apply only to policies issued on and after the date thereof or such later date as may be therein specified.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



## Schedule A

### WAR ENDORSEMENT

Attached to and forming part of Civil Service Insurance Policy No. ....  
 ..... on the life of.....

1. This policy is without restriction for military or naval service within Canada, Newfoundland and Continental United States of America; provided, however, that the sum insured under this policy shall be limited to the return of the premiums paid on this policy (other than any extra premiums paid pursuant to this endorsement) accumulated with interest at the rate of 3 per cent per annum compounded annually, in the event that the death of the insured results directly or indirectly from travel or flight in any kind of aircraft while the insured is undergoing aviation training preparatory to, or engaged in, military or naval service within the said areas, unless written notice shall have been given to the Minister of Finance and extra premiums in accordance with Section I of the Table set forth below be paid from time to time during the continuance of such training or military or naval service, the first of such extra premiums to be paid prior to the commencement of such training or service.

2. The sum insured under this policy shall be limited as aforesaid in the event that the death of the insured results directly or indirectly:

(1) from any cause either while the insured is engaged in, or within six months after the termination of, service outside the said areas in the air forces of any country or in aviation training outside the said areas, or;

(2) from any cause either while the insured is engaged in, or within six months after the termination of, service outside the said areas in the military or naval forces of any country (other than death under circumstances described in sub-paragraph (1) hereof) unless written notice be given to the Minister of Finance and extra premiums in accordance with Section II of the Table set forth below be paid from time to time during the continuance of such service, the first of such extra premiums to be paid during the lifetime of the insured and prior to the expiration of ninety days after the date of enlistment for such service or thirty days after becoming engaged in such service, or;

(3) from war (including insurrection) whether declared or not, while the insured although not serving with any military or naval or air forces, travels or resides outside the said areas, unless prior to such travel or residence, written notice shall have been given to the Minister of Finance and extra premiums in accordance with Section III of the Table set forth below be paid from time to time during such travel or residence, the first of such extra premiums to be paid on or before departure from the said areas.

#### TABLE OF EXTRA PREMIUMS

Extra Premiums Payable under this Endorsement for the Risks herein specified.

Section I—Aviation Service within Canada, Newfoundland and Continental United States of America (See paragraph 1 above).

1. Groundsmen such as Mechanics, Repair Men, etc...	\$	per \$1,000	per month
2. Pilots in training.....		per \$1,000	per month
3. Experienced Pilots, viz., those with 300 or more flying hours—			
(a) Non-commissioned Pilots .....		per \$1,000	per month
(b) Pilot Officers .....		per \$1,000	per month
(c) Flying Officers .....		per \$1,000	per month
(d) Flight Lieutenants .....		per \$1,000	per month
(e) Squadron Leaders. . . . .		per \$1,000	per month
(f) Wing Commanders .....		per \$1,000	per month
4. Crew, Observers or Photographers.....		per \$1,000	per month

## Schedule A (Continued)

Section II—Military or Naval Service outside Canada, Newfoundland and Continental United States of America (See paragraph 2 (2) above).

1. All Military Service other than Aviation Services except the Army Medical Corps..... \$ per \$1,000 per month

NOTE—For the present members of the Military Service may be covered while in Bermuda without payment of an extra premium.

2. Army Medical Corps except Nurses..... per \$1,000 per month

NOTE—Doctors or Surgeons in the Army Medical Corps attached to base hospitals for special duties may be covered while in Great Britain upon payment of an extra premium of \$.... per \$1,000 per month

3. Nurses ..... per \$1,000 per month
4. All Naval Service..... per \$1,000 per month

Section III—Civilian Travel and Residence outside Canada, Newfoundland and Continental United States of America (See paragraph 2 (3) above.)

1. Travel to or residence in Bermuda, the West Indies and South America ..... No extra premium.

2. Travel or residence otherwise than described in part I of this section..... \$ per \$1,000 per month, depending on the length of travel or residence, number of trips, etc.

NOTE.—Change in Classification or Rank of Service will call for payment of the extra premium attaching to the new Classification or Rank.

Subject to such conditions as the Minister of Finance may prescribe, the extra premium may be paid in respect of such portion of the full amount of the policy as the insured may elect.

## Schedule B

### TABLE OF EXTRA PREMIUMS

Extra Premiums Payable under this Endorsement for the Risks herein specified.

Section I—Aviation Service within Canada, Newfoundland and Continental United States of America. (See paragraph 1 above.)

1. Groundsmen such as Mechanics, Repair Men, etc..... \$ .85 per \$1,000 per month
2. Pilots in training..... 5.00 per \$1,000 per month
3. Experienced Pilots, viz., those with 300 or more flying hours—
  - (a) Non-commissioned Pilots..... \$3.35 per \$1,000 per month
  - (b) Pilot Officers..... 3.35 per \$1,000 per month
  - (c) Flying Officers..... 2.90 per \$1,000 per month
  - (d) Flight Lieutenants..... 2.10 per \$1,000 per month
  - (e) Squadron Leaders..... 1.65 per \$1,000 per month
  - (f) Wing Commanders..... 1.25 per \$1,000 per month
4. Crew, Observers or Photographers..... 2.90 per \$1,000 per month

Section II—Military or Naval Service outside Canada, Newfoundland and Continental United States of America. (See paragraph 2 (2) above.)

1. All Military Service other than Aviation Services except the Army Medical Corps..... 7.50 per \$1,000 per month

NOTE—For the present members of the Military Service may be covered while in Bermuda without payment of an extra premium.

2. Army Medical Corps except Nurses..... 3.35 per \$1,000 per month

NOTE—Doctors or Surgeons in the Army Medical Corps attached to base hospitals for special duties may be covered while in Great Britain upon payment of an extra premium of \$ .85 per \$1,000 per month.



## Schedule B (Continued)

3. Nurses. . . . .	2.10 per \$1,000 per month
4. All Naval Service. . . . .	4.15 per \$1,000 per month
Section III—Civilian Travel and Residence outside Canada, Newfoundland and Continental United States of America. (See paragraph 2 (3) above.)	
1. Travel to or residence in Bermuda, the West Indies and South America. . . . .	No extra premium
2. Travel or residence otherwise than described in part I of this section. . . . .	\$ .85 per \$1,000 per month, depending on the length of travel or residence, number of trips, etc.

NOTE—Change in Classification or Rank of Service will call for payment of the extra premium attaching to the new Classification or Rank.

Subject to such conditions as the Minister of Finance may prescribe, the extra premium may be paid in respect of such portion of the full amount of the policy as the insured may elect.

### Order in Council appointing Coal Administrator

*Canada Gazette, 28th October, 1939*

P.C. 3117

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18th October, 1939.*

The Committee of the Privy Council have had before them a report, dated 12th October, 1939, from the Minister of Labour stating that he has received representations from the Wartime Prices and Trade Board to the effect:

(1) That past experience has shown that the production, importation and distribution of coal and other solid fuels in time of war is beset with special difficulties and problems, and, if the public interest is to be adequately served, require careful supervision;

(2) That with the approach of winter, and in the light of possible fluctuations in exchange rates and possible interference with production in and shipments from both the United Kingdom and the United States, public unrest is already developing with respect to the assurance of reasonable prices, adequate supplies and equitable distribution of coal;

(3) That large numbers of Canadian householders are dependent upon regular supplies of anthracite coal from the United Kingdom; and that it will be necessary in the near future to arrange for the assurance of adequate supplies for the season of 1940-41;

The Minister, now, therefore, on the advice of the Wartime Prices and Trade Board, recommends:

1. That the appointment by the Wartime Prices and Trade Board of James McGregor Stewart, Esquire, K.C., of Halifax, Nova Scotia, to be Coal Administrator be approved; and that he be responsible, in co-operation with the industries and trades concerned and under the direction of the Board, for the conduct of negotiations with United Kingdom authorities for the export of coal and other solid fuels to Canada; in co-operation with the provinces concerned, for maintaining and stimulating where necessary the production of Canadian coal and other solid fuels; for the supervision of the purchase, shipment, distribution and allocation of coal, coke and other solid fuels, whether domestic or imported, and for such other duties as may be assigned to him by the Board.



2. That the recommendation of the Wartime Prices and Trade Board that the said James McGregor Stewart shall receive a salary of one dollar per annum and his actual travelling expenses and a living allowance of twenty dollars per diem while absent from his place of residence in connection with the duties aforesaid, be approved.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP  
*Asst. Clerk of the Privy Council.*

**Order in Council regulating discharge to pension of Naval Officers  
and ratings**

*Canada Gazette, 21st October, 1939*

P.C. 3119

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of October, 1939.

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under authority of Section 3 of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to approve the following Regulation and it is hereby approved accordingly:

**REGULATION**

*Naval Officers and Ratings—Discharge to Pension*

Notwithstanding any provision in the Militia Pension Act, Chapter 133 Revised Statutes of Canada 1927 or other act of the Parliament of Canada, officers and ratings of the Royal Canadian Navy shall not during the present period of hostilities be entitled to claim discharge to Pension as a right.

*(Effective 1st September, 1939).*

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

**Order in Council authorizing increase in strength of Royal Canadian  
Air Force**

P.C. 3122

AT THE GOVERNMENT HOUSE AT OTTAWA

Thursday, the 12th day of October, 1939.

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that in order to make provision for the necessary units and formations of the Royal Canadian Air Force, and for the training, technical and administrative establishments needed to maintain the same, an increase in the authorized strength of the Royal Canadian Air Force is necessary;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to order, and it is hereby ordered as follows:—

1. The War strength of the Royal Canadian Air Force, including the Permanent Active Air Force, the Auxiliary Active Air Force and the Special Reserve Royal Canadian Air Force, shall be such as is from time to time required to meet the needs of the Service, but shall not exceed 1,500 Officers and 15,000 Airmen.

2. The organization and localization of formations and units of the Royal Canadian Air Force as a whole, shall be as from time to time authorized by the Minister of National Defence.

3. The strength and composition of each formation or unit authorized by the Minister of National Defence under paragraph 2 aforesaid, shall be such as the exigencies of the service and air force considerations of the moment require.

Provided, however, that:—

- (i) The total number of Officers and Airmen on the strength of the said formations and units shall not exceed the strength authorized in paragraph 1 aforesaid, and
- (ii) The total number of Officers and Airmen appointed to or enlisted in the Permanent Active Air Force and the Auxiliary Active Air Force shall not exceed the number of Officers and Airmen authorized by the Peace Establishments of the Permanent Active Air Force and Auxiliary Active Air Force, respectively.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

## Order in Council regulating manufacture and export of fertilizers

*Canada Gazette, 21st October, 1939*

P.C. 3124

### AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports that he has received the following representations from the Agricultural Supplies Committee:

1. That it is important that steps be taken immediately to ensure an adequate supply of chemical fertilizers for field and garden crop production in Canada during the period of the war;

2. That supplies of potash salts essential for fertilizer purposes will be difficult to maintain owing to the discontinuance of normal export from Europe;

3. That the discontinuance of normal exports from Europe is resulting in increased world demand for fertilizer materials of United States production and is already disrupting importation into Canada of essential fertilizer supplies from the United States;

4. That present rates of exchange are conducive to excessive export of fertilizer supplies now on hand in Canada, some of which were originally imported at prices much lower than those now ruling; and

5. That, in order to conserve essential fertilizer materials and to ensure their effective use in crop production, it is desirable that manufacture and

distribution in Canada of mixed or complete fertilizers be reduced in number to analyses recommended by Provincial Fertilizer Boards;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under and by virtue of the powers in that behalf conferred on the Governor in Council by the War Measures Act, 1914, is pleased to order and it is hereby ordered as follows:—

1. Until further notice licences for export from Canada of fertilizers of every kind and analysis, with the exception of calcium cyanimide, shall be withheld unless recommended by the Minister of Agriculture;

2. Under the Fertilizers' Act, the registration of fertilizers for field and commercial garden crops and the issuing of prescriptions for the manufacture and sale of fertilizers shall be confined to the analyses required for such crops in each Province as recommended by the Advisory Fertilizer Board or Council of the Province and approved by the Provincial Minister of Agriculture.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

**Order in Council protecting mining rights under Yukon Quartz and Placer Mining Acts—of holders enlisting with British or Allied Forces**

*Canada Gazette, 11th November, 1939*

P.C. 3136

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the provisions of the War Measures Act, Chapter 206, R.S.C. 1927, the Governor General in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada;

And whereas under the Yukon Quartz and Placer Mining Acts for the disposal of quartz and placer mining rights, the property of the Crown, in the Yukon Territory, provision is made for the expenditure of certain amounts in prospecting, developing and operating the location so acquired;

And whereas in case the prescribed expenditure is not incurred, the rights acquired under such Acts are subject to immediate forfeiture;

And whereas representations have been made to the Department of Mines and Resources that certain holders of mining rights acquired under the said Acts have been accepted for active service in the defence of the Empire during the present war, and have left or are leaving the country on such service;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources, is pleased to order and it is hereby ordered that any person who may be accepted for and continues in active service in the defence of the Empire during the war, whether with the British or allied forces, and who is the holder of mining rights acquired under the provisions of either of the said Acts, shall be permitted to hold such rights free from the risk of cancellation owing to failure to comply with any of the requirements of the Acts under which the rights were acquired, until six months after his demobilization.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*



Order in Council amending Defence of Canada Regulations—  
penalties for offences.

*Canada Gazette, 11th November, 1939*

P.C. 3139

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas paragraph 2 of regulation 63 of the Defence of Canada Regulations, made by P.C. 2483 dated 3rd September, 1939, gives to the Attorney General of Canada the right to elect as to whether a person charged with committing an offence against the said Regulations shall be prosecuted upon indictment instead of on summary conviction;

And whereas the Minister of Justice reports that it is considered advisable to give this right of election also to the Attorney General of the province in which a person is charged as aforesaid;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to order that paragraph 2 of regulation 63 of the Defence of Canada Regulations be and it is hereby revoked and the following paragraph substituted therefor:—

“(2) Where no specific penalty is provided, such person shall be liable on Summary Conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment; but such person may, at the election of the Attorney General of Canada or of the Province, be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.”

(Sgd). H. W. LOTHROP,

*Asst. Clerk of the Privy Council.*

Order in Council amending Regulations—War Supply Board

*Canada Gazette, 11th November, 1939*

P.C. 3174

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2696 dated September 15, 1939, (hereinafter called the Order) the War Supply Board (hereinafter called the Board)

was authorized to be created and the constitution, powers, duties and regulations under which the Board would act were established;

And whereas the Minister of Finance reports that it is desirable to make certain amendments in the Order and also to prescribe the procedure to be followed in making requisitions to the Board for the purchase of munitions of war or supplies or for the carrying out of defence projects so that the public interest may be protected and at the same time contracts for such purchases and defence projects may be made expeditiously and efficiently;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased, notwithstanding the provisions of any other statute or law, to amend the Order and it is hereby amended as follows:

1. Paragraphs (d) and (e) of Section 1 of the Order are struck out and the following substituted therefor:

"(d) "Supplies" includes materials, equipment, ships, aircraft, automotive vehicles, animals, goods, stores and articles or commodities of every kind including, but not restricting the generality of the foregoing (i) articles and equipment which, in the opinion of the Board, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Board, is, or is likely to be, necessary for or in connection with the production, storage or supply of any such article as aforesaid;

(e) "Defence projects" includes the construction, erection, repair, improvement, maintenance or extension of buildings, airdromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works."

2. Subsection (6) of Section 2 of the Order is struck out and the following substituted therefor:—

"(6) Members of the Board in receipt of a salary fixed by the Governor in Council shall be entitled to receive and be paid their actual disbursements for living and travelling expenses necessarily incurred by them while absent from Ottawa in connection with the discharge of their duties. Members of the Board not in receipt of salary shall, in addition to their actual travelling expenses necessarily incurred by them while absent from their customary places of residence, be entitled to receive and be paid while absent from their customary places of residence in connection with the discharge of their duties such allowance for living expenses as the Governor in Council, on the recommendation of the Minister, may from time to time determine."

3. Subsection (8) of Section 2 of the Order is struck out and the following substituted therefor:—

"(8) The headquarters of the Board shall be at Ottawa."

4. Section 4 of the Order is amended by adding the following sentence at the end thereof:—

"In the performance of the duties conferred upon the Board hereunder, the Board shall have power from time to time to determine, and from time to time to change, the persons by whom and the manner in which, contracts and other documents or instruments in writing are or may be negotiated and executed."



5. Section 5 of the Order is struck out and the following substituted therefor:—

“5. (1) It shall be the duty of the Board to examine into and organize the resources of Canada and the sources of supply and the agencies available for the supply of munitions of war and supplies and for the execution and carrying out of defence projects, and to investigate the needs present and prospective of the Government and the community in respect thereto, and to do what the Board may consider practicable to insure a proper allotment of such munitions of war to such agencies as may require same and to recommend to the Minister, and if approved by him to carry into effect, such measures as it may consider necessary with the object of insuring as far as possible that the requirements of the Government of Canada for supplies and munitions of war for the present and future shall be available in such quantity and at such times as the exigencies of the occasion may require.

(2) In carrying out the provisions of this Order the Board may make use of the services of any board, agency or association or of any department of the Government.

(3) The Board shall have,—

(a) authority to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada and to procure the execution and carrying out of defence projects for, during or respecting the present war, and to enter into contracts therefor and in respect thereof on behalf of His Majesty in right of Canada including, but without restricting the generality of the foregoing, contracts for the repair, maintenance and servicing of munitions of war and supplies;

(b) authority to control or supervise and, if authorized by the Governor in Council, to procure, purchase and acquire and enter into contracts for the procuring, purchasing or acquisition of munitions of war and supplies for any of His Majesty's Governments or for the Government of any Allied or Associated Power;

(c) exclusive authority to exercise the authority set out in paragraph (a) of this subsection with respect to munitions of war and supplies and defence projects which may be required by the Department of National Defence, excepting however (i) munitions of war or supplies manufactured in an arsenal or factory owned or operated by the Government of Canada and (ii) defence projects carried out by persons in the employ of His Majesty in right of Canada and (iii) such munitions of war or supplies as the Board at the request or with the approval of the Minister of National Defence and with the approval of the Minister, for reasons of practicability or otherwise, requests the Department of National Defence by either a specific or a general request to procure, purchase, or acquire, and (iv) such defence projects as the Board at the request or with the approval of the Minister of National Defence and with the approval of the Minister, for reasons of practicability or otherwise, requests the Department of National Defence by either a specific or a general request to procure the execution of and to carry out.

(4) In respect of all contracts to be entered into by the Board on behalf of His Majesty in right of Canada, the following regulations shall apply:

(a) requisitions shall be made by the Department of the Government of Canada concerned to the Board for the purchase of any munitions of war or supplies or for the carrying out of any defence projects, and a copy of each such requisition shall concurrently be sent to an officer of the Department of Finance designated by the Minister;



(b) such requisitions shall state the estimated cost of the munitions of war or supplies or the defence projects as the case may be;

(c) requisitions shall be signed in accordance with the following provisions:

(i) if the requisition involves an estimated expenditure not exceeding \$5,000 the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned or by such other officer or officers of the Department as the Minister of such Department may authorize;

(ii) if the requisition involves an estimated expenditure exceeding \$5,000 but not exceeding \$50,000 the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned;

(iii) if the requisition involves an estimated expenditure exceeding \$50,000 the requisition shall be signed by the Minister of the Department concerned;

(d) tenders shall be called for and purchases shall be made and defence projects carried out by contracts given to the lowest tenderer, except in cases where in the opinion of the Board it is impracticable or not in the public interest to call for tenders or not in the public interest to let the contract to the lowest tenderer;

(e) in cases where the amount involved in any proposed contract exceeds \$5,000 the proposed contract shall not be entered into until authority to do so has been granted by the Governor in Council on the recommendation of the Minister after a report made by the Board to the Minister setting out

the nature and major particulars of the contract;

the method of arriving at the contract price;

the extent to which opportunity was given to probable suppliers to submit prices;

the reasons why tenders were not called for or why the lowest tender was not recommended, if either is the case; and

the opinion of the Board as to the course taken being in the public interest and as to the price and terms being fair and reasonable.

(f) in cases where the amount involved in any proposed contract does not exceed \$5,000 the Board may enter into such proposed contract without authority from the Governor in Council other than that conferred hereby but shall previously to, or forthwith upon, entering into any such contract make a report to the Minister setting out particulars and information similar to those to be set out in the report to the Minister as prescribed in paragraph (e) of this subsection;

(g) in the case of extras or other allowances or of variations, alterations, or modifications to or of any contract by reason of which the total amount of the expenditure involved will exceed the amount of expenditure involved in the original contract, the regulations contained in paragraphs (a) to (f) inclusive of this subsection shall apply *mutatis mutandis*, having regard to the amount of such excess;

(h) the regulations set forth in the foregoing paragraphs (e), (f) and (g) of this subsection may be departed from by the Board, with the approval of the Minister, in any particular or particulars only in exceptional cases which, in the opinion of the Board, the Minister of the department concerned, and of the Minister, are of extreme urgency.

(5) The Board shall assume and take over all the contracts made by or with the Defence Purchasing Board and the work of that Board as from a date to be fixed by Order in Council and shall have the same power and

authority in respect of such contracts as is or but for the provisions of this Order would have been possessed by the Defence Purchasing Board with respect thereto, including, without in any way limiting the generality of the foregoing, power and authority to enter into on behalf of His Majesty in right of Canada any contract which the Governor in Council has authorized that Board to enter into but which has not been entered into at or prior to the assumption or taking over by the Board of the work of that Board as aforesaid. In addition the Board shall have the same power and authority to supervise and complete the performance of, amend, vary, alter or modify any contract entered into by that Board or accept any tender or offer made to that Board as agent or otherwise as if the said contract had originally been entered into by the Board or as if the said tender or offer, as the case may be, had originally been made to the Board."

6. Subsection (1) of Section 7 of the Order is amended by striking out the words "these regulations" where they appear therein and substituting therefor the words "this Order."

7. Subsection (6) of Section 7 of the Order is struck out and the following substituted therefor:—

"(6) Where directions are given to any person under this Section then the compensation if any to be paid in addition to any price or remuneration which would have been payable if the directions had not been given shall be such as may be agreed between that person and the Board or in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court."

8. Subsection (7) of Section 7 of the Order is struck out and the following substituted therefor:

"(7) Where the failure to fulfil any contract, whether made before or after the coming into force of this Order, is due to the compliance on the part of any person with any directions given by the Board under this Section, proof of that fact shall be a good defence to any action or proceeding in respect of the failure."

9. Subsection (5) of Section 8 of the Order is struck out and the following substituted therefor:

"(5) Where directions are given to any person under this Section for the storage of any munitions of war or supplies, the compensation for such storage shall be such as may be agreed between that person and the Board or in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court."

10. Section 9 of the Order is struck out.

11. Section 10 of the Order is renumbered Section 9 and subsection (2) thereof is struck out and the following substituted therefor:

"(2) If the Board is satisfied that the records kept by any such person as aforesaid are insufficient to enable a fair and reasonable price of any munitions of war or supplies to be determined, or a fair and reasonable remuneration for the storage of any munitions of war or supplies, as the case may be, or carrying out of the defence project in question to be determined, it may direct that person to keep such records as may be specified in the directions."



12. Sections 11 and 12 of the Order are renumbered Sections 10 and 11, respectively.

13. Section 13 of the Order is renumbered Section 12 and subsection (2) thereof is struck out and the following substituted therefor:—

“(2) Where the person carrying on an undertaking proves to the satisfaction of the Board that directions given under this section in respect of that undertaking have been complied with within the period specified therein, or such further period as the Board may allow, there shall be paid to that person by the Board, subject to the approval of the Minister such compensation as may be agreed between that person and the Board but such compensation shall not exceed an amount equal to the appropriate proportion of the expenditure of a capital nature which appears to the Board to have been reasonably incurred in complying with the directions and in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court.”

14. Section 14 of the Order is renumbered Section 13.

15. Section 15 of the Order is renumbered Section 14 and is further amended by striking out the words “these regulations” wherever they occur and substituting therefor the words “this Order.”

16. Section 16 of the Order is struck out.

17. Sections 17, 18, 19, 20 and 21 of the Order are renumbered Sections 15, 16, 17, 18 and 19 respectively.

H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

### Order in Council regulating sale of Codeine

*Canada Gazette, 11th November, 1939*

P.C. 3183

### AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 18th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the provisions of Order in Council P.C. 2635, dated September 11th, 1939, preparations containing narcotics may only be purchased by the public on prescription;

And whereas the Minister of Pensions and National Health reports that representations have been made by the associations representing Canadian wholesale and retail druggists to the effect that a particularly heavy loss to both wholesale and retail druggists will ensue from the resulting comparative unsale-



ability of the stocks of certain cough preparations containing codeine, already manufactured and on their shelves; and

That the small codeine content of such preparations is of little value from the conservation end, while from the medical standpoint there is no objection to a temporary relaxation of the regulations in relation to the particular type of cough preparation aforementioned.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, and under and by virtue of the War Measures Act, 1914, and notwithstanding anything to the contrary contained in any other Act or Regulation, is pleased to make the following regulations amending the provisions of the aforementioned Order in Council P.C. 2635, and they are hereby made and established accordingly.

#### REGULATIONS

1. The provisions of Regulation 2 of Order in Council P.C. 2635, dated September 11th, 1939, shall not apply during the period from November 1st, 1939, to February 29th, 1940, with respect to present stocks of cough preparations containing, amongst other medicinal ingredients, a quantity of codeine not exceeding one-half grain per fluid ounce.

2. During the period from November 1st, 1939, to February 29th, 1940, such cough preparations aforesaid as have already been manufactured may be sold by both wholesale and retail druggists without the production of a prescription.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

#### Order in Council amending Nova Scotia Apple Agreement

P.C. 3187

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18th October, 1939.*

The Committee of the Privy Council have had before them a report, dated October 17, 1939, from the Minister of Agriculture, submitting that, as a result of representations made by the Agricultural Supplies Committee, it appears to be desirable that the form of agreement to be entered into for the processing of apples grown in Nova Scotia be amended in certain respects.

The Minister, therefore, recommends that under and by virtue of the powers conferred by the War Measures Act he be authorized to enter into agreements with processors of apples carrying on business in Nova Scotia in the form annexed hereto in lieu of the form of agreement authorized by Order in Council P.C. 2853 dated September, 1939.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

BETWEEN:

of

in the Province of Nova Scotia, hereinafter called the "Manufacturer"

OF THE FIRST PART

and

His Majesty the King in the right of Canada, hereinafter represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Minister has been authorized by the Governor in Council (P.C. 3187) to enter into agreements with manufacturers for the conservation of surplus apples of certain varieties, grades and sizes grown in Nova Scotia by processing the same upon certain terms as to the disposition of the manufactured product.

And whereas the manufacturer has agreed to process apples upon the terms authorized.

Now, therefore, in consideration of these presents the parties hereto covenant and agree each with the other as follows:

1. The manufacturer agrees,—

(a) to purchase for processing and to accept delivery from a Central Selling Agency (which has entered into an agreement with the Minister for the marketing of the entire crop of apples of certain varieties, grades and sizes grown in Nova Scotia in the year 1939), apples of the aforesaid varieties, grades and sizes as required to keep his plant operating to the full extent of its present capacity unless or until the Minister may otherwise direct. Subject as hereinafter provided the manufacturer shall accept all varieties of apples of the grades and sizes mentioned in paragraph (e) hereof as they become available on the market: Provided, however, that the manufacturer shall refuse to accept delivery for canning or drying of apples of other grades or sizes aforesaid or any apples without government inspection certificates as to quantity, variety, grade and size or which have become unsuitable by reason of condition for canning or drying or which are delivered in barrels containing less than one hundred and thirty pounds net weight or in barrels which are not full when delivered; and provided further that the manufacturer shall refuse to accept delivery of apples from any person named in any written notification from the Department of Agriculture to the effect that such person has misrepresented the variety, grade or size or the quantity of any lot of apples;

(b) immediately on the signing of these presents to commence the processing and packing of apples, whether by drying or canning, according to approved manufacturing methods and so as to produce, generally, canned and dried apples of grade not less than "Choice Quality" as established by regulations under the Meat and Canned Foods Act; to permit at all reasonable times an inspector representing the Minister to inspect the manufacturer's plant and premises to assure himself that the processing is being done in the best manner available, and the Minister may if an inspector reports that the manufacturer's output is grading substantially or persistently below the provincial average proportion of "Choice Quality," suspend or cancel this agreement or penalize the manufacturer by deducting the allowance payable under paragraph (d) of Clause 2 hereof in respect of all output graded below "Choice Quality";

(c) to process and pack each of the following varieties of apples separately;

Stark	Ribston	Greening
Baldwin	Golden Russet	Northern Spy
Gravenstein	King	Wolf River
Ben Davis	Blenheim	Fallawater
Gano	Nonpareil	Wagner

(d) to process and pack the following varieties of apples:

McIntosh	Royal Russet	Rome Beauty
Cox Orange	Fameuse	Salome
Baxter	Jonathan	Spitzenberg
Canadian Baldwin	King George	Winesap
Cooper Market	Lawfam	York Imperial
Delicious	Linda	Hubbardston
	Macoun	

together with any other unnamed varieties of comparable manufacturing quality.

(e) to pay to a Central Selling Agency approved by the Minister the following prices according to grade and size:

No. 1 grade, $2\frac{1}{2}$ " up.....	\$1.69 per barrel
No. 1 grade, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	\$1.51 per barrel
Domestic, $2\frac{3}{4}$ " up.....	\$1.24 per barrel
Domestic, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	\$1.03 per barrel

provided that in the case of the unnamed varieties mentioned in paragraph (d), each of the above-mentioned prices shall be reduced by twenty-five cents per barrel. Payment shall be made on or before November 5, 1939, for apples delivered up to and including October 31, and monthly thereafter on or before the fifth day of the month;

(f) to accept for processing at his plant fall varieties (Gravenstein, Blenheim and Ribston) only as required for prompt processing, and to accept such quantities of other varieties for storage at his plant as cannot be stored in any available packing plant; provided, however, that the manufacturer shall not accept delivery of apples to be held out-of-doors in excess of what can be processed by January 1, 1940; and provided further that after January 1, 1940, no apples shall be accepted for processing in excess of the capacity of the plant to manufacture promptly;

(g) to insure and keep insured all processed products in storage until the same are sold or delivered as directed by the Minister as herein provided;

(h) to maintain proper accounting records including vouchers, payrolls and invoices to show all items of expense incurred and forming any part of the costs incurred for processing; to keep stock records of apples received for processing supported by inspection certificates of the Department of Agriculture, records of the processed products in stock and sales thereof and such other records as may be required by the Minister of Finance to support transactions under this contract, and to make available to a representative of the Minister of Finance all accounting and other records for inspection and audit;

(i) to report to the Minister within five days after the end of each calendar month the total quantity of apples accepted for processing according to varieties, grades and sizes thereof, the quantity of canned or dried apples processed during the said month and the expenditure incurred during the month for processing;



(j) to use his best endeavours to sell the goods as processed by him at prices not less than minimum prices approved by the Minister and to sell and deliver the whole or any part of the goods processed at such time and place and at such price and to such person including the Minister as the Minister may direct and shall be entitled to be paid by the Minister in accordance with the terms of clause 2 hereof, provided that the manufacturer shall sell and deliver to the Minister all processed goods remaining on hand on May 15, 1940.

2. Upon the production of satisfactory records and statements of account the Minister agrees to pay to the manufacturer the sum of the following amounts,—

(a) the amount paid to the Central Selling Agency for apples purchased for processing in accordance with the terms of this agreement;

(b) the actual cost paid or incurred by the manufacturer of delivering or trucking the said apples to his plant but not in excess of ten cents per barrel of apples so delivered;

(c) the amount of the direct processing cost of all apples processed by the manufacturer under the terms of this agreement, which direct processing cost shall be computed as provided for in subsection (3) of this clause;

(d) an allowance per barrel of apples processed by the manufacturer under the terms of this agreement equal to 7 per centum of the sum of (a) and (c) above, to cover overhead and other general expenses incurred by the manufacturer under the terms of this agreement not otherwise provided for herein and to provide for a return on his investment;

(e) an amount to cover actual out-of-pocket expenditures incurred for storage and insurance of processed products stored until sold or delivered to the Minister as herein provided and in the case of processed products stored in suitable premises not heretofore used for such purpose an allowance for rental of such storage space, such allowance however to be in the absolute discretion of the Minister;

(f) an allowance for selling expenses equal to 5 per centum of the amount of any sales of products processed under the terms of this agreement made by the manufacturer to any person other than the Minister; and

(g) as an efficiency bonus in respect of the output of dried apples in excess of thirteen pounds per barrel of fresh fruit or/and of canned apples in excess of eleven one-gallon tins per barrel of fresh fruit, an allowance in respect of the whole of such excess equal to one-half the weighted provincial average processing cost (computed as provided for in subsection (3) of this clause); provided however that this allowance together with any allowance authorized to be paid the manufacturer by subsection (3) aforesaid shall not exceed one-half the allowance payable under paragraph (d) of this clause; less the amount of any sales of products processed under the terms of this agreement made by the manufacturer, and less a deduction to be made by the Minister if the manufacturer produces less than ten one-gallon tins of canned apples or twelve pounds of dried apples per barrel of fresh fruit, such deduction to be made from the allowance on account of the purchase price of fresh fruit delivered to his plant proportionate to the shortage aforesaid and to be calculated by reference to the average price of all fresh fruit purchased by the manufacturer from or through the Central Selling Agency, and less a further deduction to be made by the Minister of the amount whereby minimum prices approved by the Minister exceed the sale prices of goods processed hereunder sold by the manufacturer, provided that no such deduction shall be made in the case of goods delivered pursuant to bona fide contracts entered into prior to 21st day of September, 1939.

2. The Minister shall each month (commencing in November, 1939) on or before the twentieth day thereof pay to the manufacturer the amount paid

out by the manufacturer in the next preceding month to the Central Selling Agency for apples purchased for processing in accordance with the terms of this agreement less all moneys received during the said month by the manufacturer for the sale of dried or/and canned apples.

(3) For the purposes of this agreement, the manufacturer's direct processing cost shall be computed by the Minister of Finance on the basis of the actual out-of-pocket expenditures for labour, manufacturing materials other than apples, minor repairs and parts, for all apples dried and canned respectively under the terms of this agreement and of agreements identical in terms entered into with all other manufacturers, divided respectively by the number of pounds of dried apples or the number of one-gallon tins of canned apples as the case may be, and the resultant average unit cost shall be applied to the total quantity of dried or/and canned apples processed by the manufacturer for the purpose of determining the amount of direct processing cost payable under the terms of paragraphs (c) and (d) of subsection (1) of this clause; provided that if the direct processing cost of the manufacturer should be lower or higher than the weighted provincial average then for the purpose of calculating the amounts referred to in paragraphs (c) and (d) of subsection (1) of this clause the weighted provincial average shall be adjusted downwards or upwards as the case may be by one-half of the amount by which the direct processing cost of the manufacturer is lower or higher than the weighted provincial average.

(4) It is understood and agreed as follows:

(a) If the proceeds from the sale of processed products exceeds the cost of fresh fruit together with the processing costs and allowances to the manufacturer as provided herein, the excess shall be paid to the Central Selling Agency for distribution to growers on a pro rata basis.

(b) In the event of there being any dispute between the parties hereto with respect to any matter arising under this agreement the decision of the Minister shall be final and binding.

(c) Pursuant to the provisions of the Statute in such case made and provided, no Member of the House of Commons of Canada shall be admitted to any share or part of this contract, or to any benefit to arise therefrom.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....  
*Manufacturer.*

.....  
*Minister of Agriculture.*

Order in Council regulating purchase and importation of sugar  
*Canada Gazette, October 28, 1939*

P.C. 3223

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 21st day of October, 1939.

PRESENT:

The Deputy of  
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas on September 18, 1939, an agreement was entered into with the United Kingdom Sugar Control Board for the supply of Canadian requirements of raw sugar on certain terms;



And whereas on October 3, 1939, the appointment by the Wartime Prices and Trade Board of S. R. Noble, Esquire, as Sugar Administrator with authority to arrange for supplies of sugar to be imported into Canada, and for the supervision of such business was approved;

And whereas it is now deemed necessary to make regulations governing the purchase and importation of sugar by the Wartime Prices and Trade Board through the agency of the Sugar Administrator aforesaid;

Now, therefore, the Deputy of His Excellency the Governor in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred by the War Measures Act or otherwise, is pleased to make the annexed Regulations respecting sugar and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

#### REGULATIONS RESPECTING SUGAR

1. The Wartime Prices and Trade Board, acting through the agency of the Sugar Administrator, shall have power to acquire by purchase from the United Kingdom Sugar Control Board sugar to satisfy reasonable Canadian requirements, the purchase price of the said sugar to be as agreed on from time to time with the United Kingdom Sugar Control Board:

Provided, however, that in the event of an emergency arising from the fact that the United Kingdom Sugar Control Board is unable at any time to satisfy reasonable Canadian requirements, the Wartime Prices and Trade Board, acting through the agency of the Sugar Administrator, may purchase from other sources sugar sufficient to satisfy such requirements.

2. The Wartime Prices and Trade Board, acting through the agency of the Sugar Administrator, shall have power to sell sugar purchased as aforesaid to Canadian refiners and others requiring sugar in Canada at prices which will insure the Board against loss and to allocate the sugar aforesaid amongst refiners and other Canadian users of sugar in such manner as to secure throughout Canada a steady and adequate supply of sugar to consumers.

3. Payment for sugar and for proper charges arising out of the sale and delivery thereof shall be made by the Sugar Administrator out of funds received by him from the sale of sugar to refiners and others, and the Sugar Administrator, either by himself or by a person or persons nominated by him, may deal in all respects with documents pertaining to the ordinary conduct of the business.

4. All funds received by the Sugar Administrator shall be deposited to his credit in such chartered bank or banks in Canada as the Wartime Prices and Trade Board may direct, and funds so deposited may be drawn against by cheques signed by such persons as the Board shall designate.

5. The Sugar Administrator shall keep such records and books of account as the Wartime Prices and Trade Board requires, and such records and books of account shall be subject to audit by the Auditor-General of Canada in such manner and at such times as the Auditor-General shall decide.

6. Surplus funds realized from the sale of sugar and deposited to the credit of the Sugar Administrator may be utilized, under the direction of the Wartime Prices and Trade Board, as a fund for the stabilization of sugar prices in Canada, in such manner and at such times as the Board shall direct, provided, however, that on the termination of the control contemplated by these Regulations, all



surplus funds to the credit of the Sugar Administrator shall be paid over by him to the credit of the Receiver General of Canada and shall form part of the Consolidated Revenue Fund of Canada.

7. The Sugar Administrator may invest surplus funds, not immediately required, in short term securities of the Dominion of Canada, and may for this purpose, from time to time, buy and sell such securities.

8. No person other than the Sugar Administrator shall import into or export from Canada any sugar, except under the authority of a permit issued by the Sugar Administrator for the purpose.

9. These Regulations shall have full force and effect according to their terms notwithstanding anything contained in the Consolidated Revenue and Audit Act or any other statute or law.

*(Canada Gazette, 23rd October, 1939)*

## GOVERNMENT NOTICE

### REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

*Certified Extract from the Minutes of a Meeting of the Foreign Exchange Control Board held at Ottawa, the 14th day of October, 1939.*

On motion duly made and seconded, the following Regulations numbered 18 to 34, inclusive, were passed and enacted:

18. In order to facilitate the carrying on of ordinary commercial transactions, commercial companies may be granted permission under certain circumstances to operate foreign currency bank accounts and inter-company accounts. Permission to operate such accounts will not be granted to companies whose business is primarily of an investment or financial nature.

19. (a) A company or a branch of a company which on September 15, 1939, was operating a foreign currency account with a Canadian chartered bank in Canada in the ordinary course of its business may apply to the Board through an Authorized Dealer for permission to continue to operate such an account. If, in the opinion of the Authorized Dealer it is necessary for the company to use such a foreign currency account in the regular course of its business, the Authorized Dealer may approve such application on behalf of the Board. Authorized Dealers must notify the Board of the name and address of all companies to whom this privilege has been extended and state the balance in each such foreign currency account, as at September 15, 1939. The Board will communicate with all companies to whom this privilege has been extended by Authorized Dealers, advising them of the permit number under which such accounts may be operated. (All such permit numbers will carry the prefix BD).

(b) A company or a branch of a company which on September 15, 1939, was operating a foreign currency account with a non-resident bank in the ordinary course of its business, or a company which wishes to open a foreign currency bank account, may apply by letter direct to the Board for permission to operate such an account. The name of the bank where the account is to be carried and the balance, if any, in the account as at September 15, 1939, should be stated in the letter of application. Companies whose applications are approved by the Board will be notified of the permit number under which such accounts may be operated. (All such permit numbers will carry the prefix BD.)

(c) Companies which have been granted permits to operate foreign currency bank accounts may deposit foreign exchange received in connection with their ordinary commercial business operations in such accounts from time to time without making a declaration to the Board. Foreign exchange purchased from the Board may also be deposited in such accounts. The income from, and the proceeds of sales of foreign securities or other investments may not be deposited in such accounts. Cheques may be drawn on such accounts for any ordinary commercial business purpose, not including payments of interest and dividends, nor payments to meet bond maturities, payments for securities purchased, repayment of loans unless the proceeds of such loans were deposited in such foreign currency bank accounts subsequent to September 15, 1939, or payments for any other purpose which would represent an export of capital. Applications for foreign exchange in connection with such transactions must be made to the Board by letter thirty days in advance.

(d) Each such company will continue to use Form B in connection with exports of goods from Canada; if such exports are to be paid for in foreign exchange which is to be deposited in such a foreign currency account, Form D shall also be used and both Form B and Form D shall have the BD permit number written or stamped thereon above the title of the Form as follows: "BD Permit No.....". Form D shall also contain in the body of the Form the statement "Settlement through Authorized Foreign Currency Account, BD Permit No.....". The company's Authorized Dealer may approve such Form D on behalf of the Board.

(e) Each such company will continue to use Form E in connection with imports of goods into Canada and if any such imports are to be paid for out of such foreign currency account, Form E shall have the BD permit number written or stamped thereon above the title of the Form, and shall contain in the body of the Form the statement "Settlement through Authorized Foreign Currency Account, BD Permit No.....".

20. Permission to operate a foreign currency bank account is granted upon the following further conditions:

(i) The company shall from time to time or when required by the Board, sell to the Board through an Authorized Dealer the foreign exchange resulting from transactions in such account.

(ii) No purchases or sales of foreign exchange for Canadian dollars shall be made otherwise than through an Authorized Dealer in Canada.

(iii) No transfer shall be made from an account in sterling to an account in United States dollars, or vice versa, except through an Authorized Dealer.

(iv) Each company will be required to submit to the Board a monthly report on Form BDE certified by an authorized official on behalf of the company and such other reports of whatever character as the Board may from time to time require. The first monthly report shall cover the period from September 16, 1939, to October 31, 1939, both inclusive.

(v) The Board's examiners shall be at all times entitled to examine the books and accounts and other records of the company in order to verify the reports made by the company to the Board or to obtain any information desired by the Board.

(vi) Such permission may be amended or withdrawn by the Board at any time.

21. (a) A resident company (hereinafter referred to as the resident company) which is a parent, subsidiary, branch or associate of a non-resident company (hereinafter referred to as the non-resident company) and which desires to operate an inter-company account with such non-resident company through



which inter-company transactions may be recorded, shall apply in writing to the Board for permission. Such application should include a statement of the balance, if any, in the account as at 15th September, 1939; if such balance shows an amount owing by the resident company to the non-resident company it will be assumed, unless satisfactory evidence to the contrary is produced to the Board, that such balance is owing in Canadian funds; if the balance in the account represents an amount receivable from the non-resident company it will be assumed, unless satisfactory evidence to the contrary is produced to the Board, that such balance is in the currency of the country where the non-resident company has its chief place of business.

(b) Companies whose applications are approved by the Board will be notified of the permit number under which such inter-company accounts may be operated. (All such permit numbers will carry the prefix BD.)

(c) Licences to operate inter-company accounts will be issued on the understanding that such accounts will be used solely for ordinary commercial purposes not including payments of interest or dividends, nor payments to meet bond maturities, payments for securities purchased, the repayment of loans or payments for any other purpose which would represent an export of capital. Applications for foreign exchange in connection with such transactions must be made to the Board by letter thirty days in advance. The income from and the proceeds of sales of foreign securities or other investments may not be credited to such inter-company accounts.

(d) Each such company will continue to use Form B in connection with exports of goods from Canada; if such exports are to be settled for through such inter-company accounts, Form D shall also be used, and both Form B and Form D shall have the BD permit number written or stamped thereon above the title of the Form as follows: "BD Permit No...." Form D shall also contain in the body of the Form the statement "Settlement through Authorized Inter-company Account BD Permit No...."; the company's Authorized Dealer may approve such Form D on behalf of the Board.

(e) Each such company will continue to use Form E in connection with imports of goods into Canada; if such imports are to be settled for through such inter-company accounts, Form E shall have the BD permit number written or stamped thereon above the title of the Form, and shall contain in the body of the Form the statement "Settlement through Authorized Inter-company Account, BD Permit No...."

22. Permission to operate inter-company accounts is granted upon the following further conditions:

(i) The resident company shall from time to time or when required by the Board, obtain foreign exchange from the non-resident company, and sell such foreign exchange to the Board through an Authorized Dealer, to the full amount of the net balance arising out of transactions settled through the inter-company accounts.

(ii) No purchases or sales of foreign exchange for Canadian dollars shall be made otherwise than through an Authorized Dealer in Canada.

(iii) Exports to be paid for in Canadian dollars may not be recorded through an authorized inter-company account without the specific approval of the Board.

(iv) Each company will be required to submit to the Board a monthly report on Form BDE certified by an authorized official on behalf of the company and such other reports of whatever character as the Board may from time to time require. The first monthly report shall cover the period from September 16, 1939, to October 31, 1939, both inclusive.

(v) The Board's examiners shall be at all times entitled to examine the books and accounts and other records of the company in order to verify the



reports made by the company to the Board or to obtain any information desired by the Board.

(vi) Such permission may be amended or withdrawn by the Board at any time.

23. Any resident having any foreign exchange in his possession, ownership or control on September 15, 1939, may apply for permission to use the same for any purpose for which foreign exchange would be sold by the Board. Application should be made on Form F, which will be marked "Special" by the Authorized Dealer to whom application is made. The provisions of this regulation apply only to foreign exchange so held on September 15, 1939, and not to any foreign exchange subsequently acquired by a resident.

24. Any person who has purchased foreign exchange from the Board may deposit the same in a foreign currency bank account and make withdrawals for the purpose or purposes disclosed in his application for such foreign exchange. It is not necessary to apply to the Board for permission to operate a foreign currency bank account for such purpose.

25. (a) Any person may apply to the Board for permission to operate a foreign currency deposit account on the understanding that if such application is approved, accumulations in such accounts will be sold to the Board, through an Authorized Dealer, at the end of each month, or at any other time if especially required by the Board. Form C must be used in connection with every such sale of foreign exchange to the Board.

(b) Foreign exchange purchased from the Board may be deposited in such foreign currency deposit account and disbursements may be made therefrom for the purpose or purposes disclosed in the application for such exchange, provided that the total of such disbursements may not exceed the total foreign exchange purchased from the Board. No other disbursements may be made from such accounts.

(c) Any person authorized to operate such a foreign currency deposit account must submit a copy of the statement of such bank account to the Board at the end of each month indicating thereon the reference number of each application for foreign exchange purchased from the Board (Form F or Form H) and deposited in such account, and the reference number of each declaration of foreign exchange offered for sale to the Board (Form C) covering the accumulations in such account sold to the Board at the end of each month, together with the name and address of the Authorized Dealer through whom such foreign exchange was purchased or sold.

26. Any stockbroker or investment dealer may apply to the Board for permission to operate a foreign currency bank account for the sole purpose of settling accounts with clients in the ordinary course of business. Any accumulations in such accounts other than amounts payable to clients must be sold to the Board through an Authorized Dealer at the end of each month or at any other time if specially required by the Board. Each such stockbroker and investment dealer must keep such records as may be necessary to establish to the satisfaction of the Board's Examiners that transactions passing through such bank accounts are in accordance with the provisions of this regulation.

27. Trustees, executors and agents for non-residents may apply to the Board for permission to operate foreign currency bank accounts in connection with transactions carried out solely on behalf of non-residents. Such permission will not be granted unless the Board is satisfied that a foreign currency bank account is necessary for the purpose of carrying out the duties of the

trustee, executor or agent to the non-resident beneficiary or principal. If such permission is granted the trustee, executor or agent will be given a registration number bearing the prefix AG, and will operate the foreign bank account subject to such conditions and instructions as the Board may from time to time prescribe.

28. Regulations Nos. 18 to 27 inclusive supersede any instructions or rulings previously issued by the Board relative to inter-company accounts or foreign currency bank accounts, without prejudice to any transactions carried out prior to October 23, 1939, pursuant to any such instruction or ruling; provided that nothing in the said Regulations or in this Regulation shall affect any arrangements previously made by the Board with authorized dealers or special agents of the Board, or with insurance companies or trust companies respecting the conduct of their business, nor affect the position of non-residents, nor shall the said Regulations be construed so as to restrict in any way the operation of Regulation No. 8 or any ruling of the Board in relation thereto.

29. Paragraph (i) of Regulation No. 1 is repealed, and the following substituted therefor:

“(i) No permit shall be required for the sale by an Authorized Dealer or other agent of the Board of foreign exchange to a value not exceeding the equivalent of One Hundred Dollars in United States currency or Twenty-five Pounds Sterling purchased by any person in any month, provided that this exemption shall apply only with respect to foreign exchange in the form of cash, cheques, postal notes, money orders and other items of a similar nature, payable at sight or on demand, and provided also that no Authorized Dealer or other agent of the Board shall sell foreign exchange under the provisions of this Regulation except in cases within the authority of such Authorized Dealer or other agent of the Board; in addition, a resident may without a permit pay or transfer Canadian currency to or to the account of a non-resident to an amount not exceeding one hundred dollars in any month to each such non-resident, except where such payment is to be made in connection with a purchase of securities from a non-resident.

30. Paragraph (b) of Regulation No. 10 is repealed and the following substituted therefor:

“(b) An Authorized Dealer may issue a permit for the sale of foreign exchange to a non-resident private individual having on September 15, 1939, a Canadian-currency deposit with any bank, savings bank, insurance company, trust or loan company or other similar depository, up to a total not exceeding the equivalent of Five Thousand Dollars, provided that payment for such foreign exchange is made by means of a cheque drawn on such deposit account for a sum not exceeding the credit balance on September 15, 1939; and to facilitate any such transaction the said depository may sign the relative application for such foreign exchange on behalf of the non-resident depositor.”

31. Regulation No. 11 is amended by adding thereto the following:

“Provided that this right of automatic conversion into foreign exchange shall not apply with respect to dividends becoming due after October 23, 1939, on any shares of which fifty per cent or more were held by one non-resident shareholder on September 15, 1939, or at any time subsequent to such date, or on any shares held by fewer than one hundred persons on September 15, 1939, or at any time subsequent to such date. In any such case, the company shall obtain a permit from the Board before making



any payment of dividends to non-residents, upon application to be made thirty days in advance of the date of payment; in such cases a permit will be granted for payment in Canadian dollars, but the right of automatic conversion into foreign exchange will be granted only if, in the opinion of the Board, no export of capital is involved.

32. An Authorized Dealer may approve a permit (Form G) for any payment or transfer of Canadian currency to or to the account of a non-resident, where such payment or transfer is to be made in the administration of an estate, or pursuant to any trust, or in satisfaction of all or part of a matured obligation under a bond, debenture, or other secured or unsecured debt, or is a payment for property sold by a non-resident, with the exception that any application for permission to make such a payment or transfer of Canadian dollars in connection with a purchase of securities or any unmatured debt by a resident from a non-resident, or from any person acting for a non-resident, shall be referred to the Board.

33. (a) No export licence or import licence shall be required for the export or import of goods having a value not exceeding twenty-five dollars; in connection with each such unlicensed export or import the exporter or importer shall revert to the practice followed before the coming into force of the Foreign Exchange Control Order, subject always to the provisions of any other laws affecting exports or imports.

(b) At the time of purchasing foreign exchange, or applying for permission to pay Canadian dollars, in connection with any such unlicensed imports, to a value in excess of One Hundred Dollars per month, the importer shall produce to his Authorized Dealer one copy of each relative Customs import entry, appraisal note or Customs Invoice in lieu thereof, stamped and attested by a Customs official. The Authorized Dealer shall mark each such Customs document to indicate it has been used for the purposes of this Regulation (any stamp containing the name of the bank and branch, and the date, will be sufficient) and return the document to the importer. No Authorized Dealer shall sell foreign exchange, or issue a permit for the payment of Canadian dollars, to a value in excess of One Hundred Dollars per person per month, in payment for any such unlicensed imports unless the importer presents Customs import documents as aforesaid, not previously used for such purpose, to an amount approximately equal to the value of the foreign exchange or Canadian dollars in question, nor unless the importer states in his application that it relates to imports represented by the said import documents and lists the Customs identification numbers thereof. Provided, however, that an Authorized Dealer may, in his discretion, sell foreign exchange or issue a permit for the payment of Canadian dollars in advance of the importation, if satisfied that the relative imports will be made and that import documents will be subsequently presented, as aforesaid, and in any such case the Authorized Dealer shall report to the Board if the said import documents are not presented on or about the date indicated in the importer's application for foreign exchange or for permission to make payment in Canadian dollars.

(c) Nothing in this Regulation shall exempt an exporter or importer from any provisions of the Foreign Exchange Control Order or Regulations of the Board other than the requirement of obtaining export and import licences issued by or on behalf of the Board.

(d) This Regulation shall not apply with respect to exports for payment in Canadian dollars nor with respect to exports or imports by the holder of a BD permit.

34. Any Company incorporated outside Canada and wholly or partly owned or controlled by a resident or residents in such circumstances that it constitutes



a family corporation or personal corporation within the meaning of the Income War Tax Act shall be and be deemed to be a resident of Canada for the purpose of the Foreign Exchange Control Order.

Certified to be a true copy and in accordance with the Minutes of the Board.

G. F. TOWERS,  
*Chairman.*

Order in Council authorizing purchase of certified seed potatoes

*Canada Gazette, 11th November, 1939*

P.C. 3292

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 25th October, 1939.*

The Committee of the Privy Council have had before them a report, dated 19th October, 1939, from the Minister of Agriculture stating that he has received the following representations from the Agricultural Supplies Committee:

1. That, in the light of the inroads which have been made by destructive virus diseases in supplies of certified seed potatoes, it is important to ensure that disease-free foundation seed available in Canada this year should be maintained for planting in the Spring of 1940;

2. That, of an estimated total output of 50,000 bushels of disease-free foundation seed, contracts have already been made, chiefly for export, for approximately 10,000 bushels;

3. That, owing to the strong demand for disease-free foundation seed potatoes in the United States and the advantage which American buyers have at present rates of exchange, it is expected that a large part of the remaining 40,000 bushels of such seed will be contracted for export this Fall unless action is taken to ensure retention of it in Canada.

The Minister, therefore, recommends:

1. That the Agricultural Supplies Committee be authorized to contract for the purchase of available supplies of disease-free foundation seed potatoes up to a maximum of 40,000 bushels at margins not exceeding 25 cents per bushel over and above the market price for No. 1 certified seed potatoes and at prices not exceeding \$1.10 per bushel at points of origin, the contracts to be on the basis of a down payment of half the contract price per bushel, the seed to be stored on the premises of the producer and final payments to be made in the Spring of 1940 based on out-turn after final inspection and grading to foundation seed standards;

2. That the Committee be authorized to arrange to resell at cost in the Spring of 1940 to selected growers the seed so purchased;

3. That credits be provided to the Committee in instalments not to exceed \$10,000 and to a total amount not to exceed \$20,000 to the 31st of March, 1940, and that the financial control be arranged as between the Comptroller of the Treasury and the Committee on a basis to ensure eventual repayment to the Treasury of the credits so provided.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council*

Order in Council amending P.C. 2906—Agreement re freight on shipments of fibre flax seed

*Canada Gazette, 11th November, 1939*

P.C.3293

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of October, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the authority of P.C. 2906, October 5, 1939, the Agricultural Supplies Committee was authorized to arrange for the purchase of available supplies of fibre flax seed in Canada at prices of \$5.50 per bushel for No. 1 certified seed, and \$4.25 for uncertified seed, less freight differentials to Montreal in each case;

And whereas the Minister of Agriculture reports that it has since been pointed out by growers that the above prices were quoted by them on the basis of delivery at mills, rather than at Montreal; and

That the Government of Northern Ireland has intimated its willingness to purchase seed, not required in Canada, on the basis of these prices at mills in Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to amend Order in Council P.C. 2906 of 5th October, 1939, by striking out, in the second to the last paragraph thereof, the words "less freight differentials to Montreal in each case", and it is hereby amended accordingly.

(Sgd.) H. W. LOTHROP

*Assistant Clerk of the Privy Council*

Order in Council authorizing reduction of non-commissioned officers to lower grade—R.C.A.F.

P.C. 3296

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of October, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas sub-section (2) of Section 183 of the Air Force Act (Imperial) is as follows:—

"(2) The Air Council, and on active service the officer commanding-in-chief in the field (whether such officer is an officer of the air force, army, or navy,) and any air, general or flag officer he or the Air Council may appoint, may reduce any non-commissioned officer to the ranks or to any lower grade;

Provided that, where the Air Council in special circumstances so direct, any powers which under this provision may be exercised by an officer of air rank may be exercised by a group captain."

And whereas the Minister of National Defence reports that it is desirable to apply the provisions of the said sub-section (2) of Section 183 to the Royal Canadian Air Force, and, for that purpose, to adapt the said sub-section to meet the particular circumstances of the Royal Canadian Air Force when on active service;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased notwithstanding the provisions of any other Act, Law or Regulation, to make the following Regulation, and it is hereby made and established accordingly:—

#### REGULATION

The Minister of National Defence, and on active service the officer commanding-in-chief in the field (whether such officer is an officer of the air force, the army or the navy), and any air, general or flag officer he or the Minister of National Defence may appoint, may reduce any non-commissioned officer to the ranks or to any lower grade;

Provided that, where the Minister of National Defence in special circumstances so directs, any powers which under this provision may be exercised by an officer of air rank may be exercised by a group captain.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council*

**Order in Council temporarily rescinding right to retire—Permanent Active Militia and Permanent Active Air Force**

P.C. 3297

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of October, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas under the provisions of the Militia Pension Act, Chapter 133 Revised Statutes of Canada, 1927, and amendments thereto, officers of the Permanent Active Militia and of the Permanent Active Air Force, and soldiers and airmen of the said Forces, are entitled to retire after completing the periods of service specified in the said Act;

And whereas the Minister of National Defence is of the opinion that the exercise of this right to be retired by such officers, soldiers and airmen, while they are serving on active service, would be contrary to the interests of the State;

Now, therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to make the following Regulation and it is hereby made and established accordingly:—

#### REGULATION

Notwithstanding anything contained in the Militia Pension Act, Chapter 133 Revised Statutes of Canada, 1927, or any amendment thereto, officers of the Permanent Active Militia and Permanent Active Air Force, and soldiers and airmen of the said Forces, shall not, during such time as they are serving on active service during the present war, be entitled, as a matter of right, under the said Act and amendments thereto to be retired.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council*



Order in Council authorizing War Supply Board to assume duties of  
Defence Purchasing Board

*Canada Gazette, 18th November, 1939*

P.C. 3300

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Subsection (5) of Section 5 of Order in Council P.C. 2696 dated September 15, 1939, provides that the War Supply Board shall assume and take over all contracts made by or with the Defence Purchasing Board and the work of the Defence Purchasing Board as from a date to be fixed by Order in Council;

And whereas the Minister of Finance reports that the War Supply Board is now organized and ready to begin to function;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to fix and doth hereby fix November 1, 1939, as the date on and from which the War Supply Board shall assume and take over all contracts made by or with the Defence Purchasing Board and the work of that Board.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council respecting Registration of Enemy Aliens

*Canada Gazette, 11th November, 1939*

P.C. 3342

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that representations have been made to the effect that a number of persons who were born in territories which, prior to the 3rd day of September, 1939, were under the sovereignty or control of the German Reich, have failed to register under the provisions of the Defence of Canada Regulations relating to enemy aliens on the ground that they are persons who sympathize with the Allied cause and should not therefore be regarded as enemy aliens; and



Whereas the Association as a result of a shortage or absence of ocean going cargo space, loss of export market and other restrictions resulting from the war is confronted with the impossibility of marketing a large part of the apples grown in British Columbia in 1939 which would be normally marketed in the United Kingdom and Europe;

Whereas the further occurrence of drought conditions in parts of the Provinces of Alberta, Saskatchewan and Manitoba during the crop season 1939 has left many residents and settlers in these areas, despite assistance under other legislation, financially unable to purchase apples.

Whereas the Minister has been authorized under the War Measures Act to enter into an arrangement with the Association to safeguard growers in part against losses which would otherwise be suffered.

Witnesseth that in consideration of the premises, the parties hereto covenant and agree as follows:

1. The Association agrees to dispose, in so far as possible, in export markets of the entire export production of apples grown in 1939 in the Okanagan Valley of the Province of British Columbia.

2. The Minister undertakes and agrees to expend, out of moneys appropriated for the purpose, a sum not exceeding \$525,000

(a) by purchasing apples from the growers through the Association at the F.O.B. prices approved by the Minister and distributing same in the aforesaid drought areas up to \$100,000 and

(b) by paying to the Association if its net return on apples of any shipper member shipped on consignment for sale in the United Kingdom or Europe on or before the 31st day of December, 1939, averages less than 95 cents per box, and, if so shipped between the 31st day of December, 1939, and the 28th day of February, 1940, averages less than \$1.05 per box, the difference between such average net return according to variety within such periods and the said prices respectively, such expenditure not to exceed \$425,000.

3. Paragraph (b) of clause 2 hereof shall extend to the first million boxes of apples of the following varieties, grades and sizes shipped on consignment subsequent to the date of this agreement as per copies of invoices forwarded to the Minister at the time of shipment:—

McIntosh Red. . . . .	150-252	Ex. Fcy.—Fancy—"C"
Jonathan. . . . .	150-252	Ex. Fcy.—Fancy—"C"
Delicious. . . . .	125-234	Ex. Fcy.—Fancy—"C"
Yellow Newtown . . . . .	138-252	Ex. Fcy.—Fancy—"C"
Winesap. . . . .	163-252	Ex. Fcy.—Fancy—"C"
Rome Beauty. . . . .	125-216	Fancy—"C"
Spitzenberg. . . . .	125-216	Ex. Fcy.—Fancy—"C"
Stayman Winesap. . . . .	125-216	Ex. Fcy.—Fancy—"C"
Grimes Golden. . . . .	150-234	Fancy

4. The Association agrees that its books, accounts, vouchers and records shall at all times be open to inspection and audit by a representative of the Minister of Finance and that no money shall be payable hereunder until a report of such representative satisfactory to the Minister of Finance has been accepted by him.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....  
.....  
*Minister of Agriculture.*



# Order in Council authorizing Compensation—Canadian salt-water fishermen

*Canada Gazette, December 2, 1939*

P.C. 3358

## AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 10th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport, with the concurrence of the Minister of Fisheries, reports that by reason of the present war it is expedient in the public interest to make provision for the payment of compensation of such masters and members of the crews of ships of Canadian registry or licence, and such Canadian salt-water fishermen who, as a result of enemy action or counter-action taken against the same, suffer the loss of their personal effects on board their respective vessels;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, with the concurrence of the Minister of Fisheries and under and by virtue of the War Measures Act (Chapter 206, R.S.C. 1927) is pleased to make the following Regulations and they are hereby made and established accordingly.

### REGULATIONS

#### TITLE

1. These Regulations may be cited as the Compensation to Seamen (War Damage to Effects) Regulations, 1939, and shall be deemed to have come into operation upon the 3rd day of September, 1939.

#### INTERPRETATION

2. In these Regulations, unless the context otherwise requires,

- (a) "Canadian salt-water fishermen" means persons of Canadian nationality employed upon a fishing vessel or boat engaged in the fishing industry of Canada in tidal waters.
- (b) "the appropriate Department" means
  - (i) in respect of Canadian salt-water fishermen, the Department of Fisheries;
  - (ii) in respect of all other persons to whom these regulations apply, the Department of Transport.
- (c) "war damage" means loss (including destruction) and damage caused by, or in repelling, enemy action, or by measures taken to avoid the consequences of damage caused by or in repelling enemy action.

3. These Regulations shall apply to the following classes of persons who have sustained war damage to their personal effects on board their respective vessels:—

- (a) The master or member of the crew of a ship of Canadian registry or licence.

- (b) Members of the Pilotage Service, that is to say, a pilot or apprentice pilot, or the master or member of the crew of a pilot boat.
- (c) The master or a member of the crew of a lightship, a lighthouse tender or a lightship tender.
- (d) Canadian salt-water fishermen.

4. Any person to whom these Regulations apply may make to the appropriate Department a claim for compensation in respect of war damage to his personal effects and the appropriate Department may, subject to the provisions of these Regulations, pay to that person in respect of such claim an amount not exceeding the maximum amount payable to a person of his rank or rating at the time when the war damage occurred in accordance with the Schedule appended hereunder.

### *Personnel of Ships of Canadian Registry or Licence and Canadian Salt-Water Fishermen*

#### *Schedule of Compensation for Loss of Personal Effects through War Perils at Sea*

##### *(1) Ships of Canadian Registry or Licence*

<i>Rank or rating</i>	Maximum amount of compensation payable for loss of personal effects		
	† Foreign Trade	† Home Trade Passenger	† All other Trades
(i) Master .....	\$ 500	\$ 350	\$ 200
(ii) Certificated Officers, Surgeons, Pursers ....	300	210	125
(iii) Uncertificated Officers, Chief Stewards in charge of Departments, Wireless Operators and Apprentices .....	250	175	100
(iv) Ratings in Victualling Department above rank of Waiter or Bedroom Steward.....	150	105	75
(v) Victualling Department Waiter or Bedroom Steward and similar pay ratings.....	50	50	50
(vi) Ratings in Victualling Department of lower pay than Bedroom Steward.....	40	40	40
(vii) Carpenters and Joiners (Effects \$50. Tools \$100 maximum) .....	150	150	150
(viii) Boatswain, Donkeyman, Quartermaster and other similar ratings .....	50	50	50
(ix) Seaman Greasers, Firemen, Trimmers and other similar ratings, excluding Class (x). . . . .	40	40	40
(x) Oriental ratings not domiciled in Canada within meaning of the Immigration Act.	20	20	20
(xi) Licensed Pilots and Licensed Apprentice Pilots.	50	50	50

##### *(2) Fishing Boats and Sailing Vessels*

<i>(a) Fishing Boats and Vessels of 60 registered tons and over and Foreign-going Sailing Vessels</i>		
(i) Master.. . . .		\$200
(ii) Mate or Engineer.. . . .		100
(iii) All other members of Crew.. . . .		40
<i>(b) All other Fishing Boats and Home Trade, Inland and Minor Waters Sailing Vessels</i>		
(i) Master.. . . .		\$125
(ii) All other members of Crew.. . . .		40
<i>(3) Pilot Boats and Lightships</i>		
(i) Master.. . . .		\$125
(ii) All other members of Crew.. . . .		40

†The provision of the Canada Shipping Act, 1934, and Regulations made thereunder will determine the class of vessel, the nature of the trade in which the vessel is engaged and the status of the members of the crew. Masters, officers and ratings of Canadian Government Steamships, other than pilot boats and lightships, will come under "All other Trades."

5. Any claim made under clause numbered 4 of these Regulations shall be made in the manner and upon the form approved by the appropriate department as applicable to such claim.

6. Unless the appropriate Department otherwise directs no compensation shall be payable under these Regulations in respect of any claim which has not been made within one year of the relative war damage having been incurred.

7. No person shall be precluded from receiving compensation under these Regulations by reason only of the fact that at the time of making a claim for such compensation he has ceased to be a person to whom the Regulations apply.

His Excellency in Council is hereby further pleased to order that payments falling due under the above-mentioned Regulations shall be made out of the War Appropriation, the amount of such payments to be recouped from funds accruing to the Custodian of Enemy Property as and when available.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

### Order in Council authorizing Pensions—Canadian salt-water fishermen

P.C. 3359

#### AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 10th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Pensions and National Health, with the concurrence of the Minister of Fisheries and the Minister of Transport, reports:

That by reason of the present war with the German Reich it is expedient and in the public interest to provide for the payment of pensions to such persons employed in ships of Canadian registry or licence and such Canadian salt-water fishermen as, in the pursuit of their callings, suffer disability or death as a result of enemy warlike action or counter-action taken against the same; and

That there is no provision in the Pension Act for the payment of pensions to the said persons or fishermen as such;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, with the concurrence aforesaid and under and by virtue of the War Measures Act (Chapter 206, R.S.C. 1927) is pleased, notwithstanding anything to the contrary contained in the Pension Act or in any other Act or Regulation, to make the following Regulations and they are hereby made and established accordingly:

#### REGULATIONS

1. In these regulations, unless the context otherwise requires,
  - (a) "war with the German Reich" means the war into which Canada entered on the 10th day of September, 1939;
  - (b) "ship" includes every description of vessel used in navigation not propelled by oars;
  - (c) "ship in foreign trade" means a ship employed on foreign voyages within the meaning of the Canada Shipping Act, 1934;



- (d) 'ship in home trade' means a ship engaged in home trade voyages within the meaning of the Canada Shipping Act, 1934;
- (e) 'ship trading in inland or minor waters' means a ship employed on an inland voyage or a minor waters voyage within the meaning of the Canada Shipping Act, 1934;
- (f) 'Canadian salt-water fisherman' means a person of Canadian nationality employed upon a fishing vessel or boat engaged in the fishing industry of Canada in tidal waters.

2. Subject to the provisions of these regulations pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the Pension Act for members of the Naval Forces of Canada to or in respect of all persons who, while serving upon any ship of Canadian registry or licence, and of all Canadian salt-water fishermen who, while serving upon any ship engaged in the Canadian salt-water fishing industry, during the war with the German Reich suffer disability or death as a result of enemy warlike action or of counter-action taken against the same.

3. The rate of pension payable to or in respect of a person or fisherman in the regulation next preceding mentioned shall be the rate set forth in Schedule A or B as the case may be of the Pension Act applicable to the rank or rating of the Naval Forces of Canada set opposite the rank or qualification of such person or fisherman in the following table:—

(1) *Pensions for Personnel of Ships of Canadian Registry or Licence*

<i>Rank</i>	<i>Scale of Pension</i>
-------------	-------------------------

(a) *Ship in Foreign Trade†*

- |  |                        |                |
|--|------------------------|----------------|
| (i) Master. . . . .  | Commander              |                |
| (ii) Chief Officer. . . . .  | Lieutenant Commander   |                |
| (iii) Chief Engineer. . . . .  | Commander              |                |
| (iv) Second Engineer. . . . .  | Lieutenant Commander   |                |
| (v) Other Navigating and<br>Engineer Officers,<br>Purser<br>Surgeon<br>Chief Steward | } . . . . . Lieutenant |                |
| (vi) All other officers. . . . .   |                        | Sub-Lieutenant |

(b) *Ship in Home Trade†*

- |                                  |                |
|----------------------------------|----------------|
| (i) Master. . . . .              | Lieutenant     |
| (ii) All other officers. . . . . | Sub-Lieutenant |

*Rank*

*Scale of Pension*

(c) *Ship in Inland and Minor Waters Trade†*

- |                                  |                |
|----------------------------------|----------------|
| (i) Master. . . . .              | Lieutenant     |
| (ii) All other officers. . . . . | Sub-Lieutenant |

(d) *All trades*

- |   |   |
|---|---|
| (i) All other members of the crew (except Orientals not domiciled in Canada within the meaning of the Immigration Act.) . . . . . | Able Seaman   |
| (ii) Orientals not domiciled in Canada within the meaning of the Immigration Act. . . . .   | A proportion of pension applicable to an able seaman as judged adequate by the Canadian Pension Commission. |

(e) *Pilots*

- |  |                |
|--|----------------|
| (i) Licensed Pilots. . . . .             | Lieutenant     |
| (ii) Licensed Apprentice Pilots. . . . . | Sub-Lieutenant |

(2) *Pensions for Canadian Salt-Water Fishermen*

- |  |                |
|--|----------------|
| (a) Master of fishing boats of 60 registered tons or over. . . . . | Lieutenant     |
| (b) Master of other fishing boats. . . . .                         | Sub-Lieutenant |
| (c) Other members of the crew. . . . .                             | Able Seaman    |

†The provisions of the Canada Shipping Act, 1934, and Regulations made thereunder, will determine the class of vessel, the nature of the trade in which the vessel is engaged and the status of the members of the crew.

4. No pension shall be payable under these regulations to or in respect of any dependent other than the wife, widow or orphan children of the person on account of whose disability or death pension is claimed.

5. No pension shall be payable under these regulations unless application is made therefor within one year after the occurrence of the death or incurrence of the injury resulting in disability on account of which pension is claimed.

6. All claims for pension under these regulations shall be dealt with and adjudicated upon by the Canadian Pension Commission in like manner and to all intents and purposes as though such claims were claims under the Pension Act and the person or fisherman by or in respect of whom application for pension is made was, at the time the injury resulting in his disability or death was sustained, a member of the Forces as defined by such Act and all provisions of the Pension Act which are not inconsistent with these regulations shall apply to every such claim.

His Excellency in Council is hereby further pleased to order that payments falling due under the above Regulations shall be made out of the War Appropriation, the amount of such payments to be recouped from funds accruing to the Custodian of Enemy Property as and when available.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council*

## Order in Council respecting Patents, Designs, Copyrights and Trade Marks

P.C. 3362

### AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 27th day of October, 1939.

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL

Whereas the Acting Secretary of State reports that it is expedient to make Regulations, under and by virtue of the powers vested in the Governor in Council by the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, with the view of regulating dealings relating to patents, designs, copyrights and trade marks;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and under the authority above cited, is pleased to make the annexed Regulations which may be described as "The Patents, Designs, Copyright and Trade Marks (Emergency) Order, 1939", and they are hereby made, established, and put into force accordingly.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

*Note.—The Patents, Designs, Copyright and Trade Mark (Emergency) Order, 1939, printed by King's Printer.*



Order in Council with respect to The Visiting Forces (British Commonwealth) Act 1933

P.C. 3391

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that the presence in the United Kingdom and elsewhere outside Canada of Military and Air Forces of Canada, on occasions when similar Forces of the United Kingdom and of other parts of the British Commonwealth are also present, makes it essential that the relationship and status of such Canadian Forces with that of the other Forces mentioned be established;

And whereas The Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, in so far as Canadian Forces are concerned, makes the necessary provision for the matters referred to above, and similar legislation exists with respect to the Forces of the United Kingdom and those of certain other parts of the British Commonwealth;

And whereas sub-sections (4) and (5) of Section 6 of the said Act read as follows:—

“(4) When a home force and another force to which this section applies are serving together, whether alone or not:—

- (a) any member of the other force shall be treated and shall have over members of the home force the like powers of command as if he were a member of the home force of relative rank: and
- (b) if the forces are acting in combination, any officer of the other force appointed by His Majesty, or in accordance with regulations made by or by authority of His Majesty, to command the combined force, or any part thereof, shall be treated and shall have over members of the home force the like powers of command and punishment, and may be invested with the like authority to convene, and confirm the findings and sentences of, courts martial as if he were an officer of the home force of relative rank and holding the same command.

(5) For the purposes of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the Governor in Council, and the relative rank of members of the home forces and of other forces shall be such as may be prescribed by regulations made by His Majesty.”

And whereas in respect of Canadian Military and Air Forces serving in the United Kingdom the provisions of paragraph (a) of sub-section (4) of the said Section 6, quoted above, would have the effect of establishing their relationship and status with members of corresponding Forces of the United Kingdom if, pursuant to sub-section (5) of the said Section 6, the said Forces were declared to be serving together;

And whereas, in this connection, a similar declaration with respect to the Military and Air Forces of the United Kingdom would be required to be made by the Army Council or the Air Council, as the case may be, under the corresponding provisions of the Visiting Forces (British Commonwealth) Act of the United Kingdom;



And whereas the fact of Canadian Military and Air Forces being declared to be serving together with Military and Air Forces of the United Kingdom, would in no way restrict the control and administration by the Government of Canada of such Canadian Forces whilst serving in the United Kingdom or elsewhere;

And whereas the Canadian Military and Air Forces serving on the Continent of Europe will of necessity be acting in combination with Military and Air Forces of the United Kingdom, and of other parts of the British Commonwealth, and provision is made in paragraph (b) of sub-section (4) of Section 6 of the said Visiting Forces (British Commonwealth) Act, 1933, for the exercise of command by the officer whom His Majesty appoints to command such combined Force;

And whereas, under sub-section (5) of the said Section 6, the said Forces would only be deemed to be acting in combination if they were so declared by the Governor in Council, and in the opinion of the Minister of National Defence it is desirable that such a declaration be made;

(A similar declaration with respect to the Military and Air Forces of the United Kingdom would be required to be made by the Army Council or the Air Council, as the case may be, under the corresponding provisions of the Visiting Forces (British Commonwealth) Act of the United Kingdom.)

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of The Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, is pleased to order and doth hereby order and declare,—

1. That all Military and Air Forces of Canada present in the United Kingdom serve together with the Military and Air Forces, respectively, of the United Kingdom;

2. That all Military and Air Forces of Canada serving on the Continent of Europe shall act in combination with those Forces of the United Kingdom serving on the Continent of Europe with which they may from time to time be serving, and that they shall so act upon their embarkation in the United Kingdom for the purpose of proceeding to the Continent of Europe; and

3. That, in respect of any Military and Air Forces of Canada serving in the United Kingdom, those parts thereof as may from time to time be detailed for that purpose by the appropriate Canadian Service Authorities as from time to time designated by the Minister of National Defence, shall act in combination with those Forces of the United Kingdom to which the same have been so detailed.

His Excellency in Council, for the purpose of giving effect to the provisions of sub-section (2) of Section 6 of The Visiting Forces (British Commonwealth) Act, 1933, is further pleased, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, to authorize and doth hereby authorize the appropriate Canadian Service Authorities to take such action as may be necessary to effect the attachment of members of the Military and Air Forces of any other part of the Commonwealth to Canadian Forces and vice versa.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council authorizing increase in number of Special Constables

P.C. 3444

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 2nd November, 1939.*

The Committee of the Privy Council, on the recommendation of the Acting Minister of Justice, advise that Order in Council of the 1st of September, 1939, P.C. 2484, granting authority for the re-engagement of certain ex-members of the Royal Canadian Mounted Police and the engagement of 1,100 Special Constables, be hereby amended to read 2,500 Special Constables instead of 1,100, in order that the money allocated to the Royal Canadian Mounted Police from the War Appropriation by Order in Council of the 25th of October, 1939, P.C. 29/3291, may be definitely allotted and released to the Force for the purpose indicated therein.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council approving licensing of dealers in coal or coke

*Canada Gazette, 11th November, 1939*

P.C. 3470

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council P.C. 2516 of the 3rd day of September, 1939, as amended by Order in Council P.C. 2625 of the 9th day of September, 1939, the Wartime Prices and Trade Board is empowered, subject to the approval of the Governor in Council, to require persons dealing in necessities of life to obtain licences from the said Board;

And whereas by Order in Council P.C. 3117 of the 18th day of October, 1939, the appointment by the said Board of James McGregor Stewart, Esquire, K.C., as Coal Administrator was approved;

And whereas the Board, on the recommendation of the Coal Administrator, deems it to be in the public interest to require licences to be obtained by persons dealing in coal or coke and deems it advisable to charge annually a fee of one dollar for each such licence, payable to the Receiver General of Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, is pleased to approve and doth hereby approve the requirement of the Wartime Prices and Trade Board that such licences be obtained and that a fee of one dollar be paid for each such licence.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



GOVERNMENT NOTICE

REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

*Certified Extract from the Minutes of a Meeting of the Foreign Exchange Control Board held at Ottawa, the 1st day of November, 1939.*

On Motion duly made and seconded, the following Regulations numbered 35 to 39, inclusive, were passed and enacted:

35. Special export-import licences may be granted under certain circumstances to commercial companies with a substantial volume of export and/or import shipments. Applications for such licences must be made in triplicate on Form BE, two copies to be sent to the Board. Copies of this form may be obtained from Collectors of Customs and Excise. If and when such applications are approved, the applicant will be advised of the number of the special export-import licence and the date on which such licence will become effective.

36. (a) Special export-import licence holders will not be required to prepare Forms B in respect of exports and Forms E in respect of imports, but in lieu thereof will revert to the practice followed in clearing exports and imports prior to the effective date of the Foreign Exchange Control Order. Such holders will relinquish General Export Licence A if previously obtained. Customs entries are to be stamped with the special export-import licence number. Sufficient copies of entries are to be furnished to ensure the return to the licence holder of a certified copy from the Collector concerned. Export-import licences on Form BE are issued solely for the purpose of the Foreign Exchange Control Order and shall not be deemed to authorize any exportation or importation or other act by the holders thereof in contravention of any other law.

(b) Paragraphs (d) and (e) of Regulation 19 and Paragraphs (d) and (e) of Regulation 21 shall not apply to exports or imports made under authority of a special export-import licence.

37. Each company which has been granted a special export-import licence will be required to submit to the Board a monthly report on Form BDE certified by an authorized official on behalf of the company and such other reports of whatever character as the Board may from time to time require. The Board's examiners shall be entitled at all times to examine the books and accounts and other records of the company in order to verify the reports made by the company to the Board or to obtain any information desired by the Board.

38. (a) Foreign exchange for the full value of all exports made under authority of a special export-import licence must be sold to the Board through an Authorized Dealer as soon as received, subject, however, to the provisions of Regulations 19, 20, 21 and 22 in respect to settlement for exports and imports by commercial companies which have been granted permission to operate foreign currency bank accounts or inter-company accounts.

(b) A holder of a special export-import licence may not make any exports for payment in Canadian dollars unless special permission has been obtained from the Board in the form of a "Control Permit-Canadian Payment"; in any such case exports for payment in Canadian dollars may be made to the extent permitted by such Control Permit and the provisions of Regulation 36 shall apply with respect to the procedure to be followed by the exporter; Form B and Form D shall not be used in connection with such exports.

39. Regulation 33 is amended by striking out Paragraph (b) thereof and substituting therefor the following:



"(b) At the time of purchasing foreign exchange, except in cases for which no permit is required pursuant to Regulation 29, or applying for permission to pay Canadian Dollars, in connection with any such unlicensed imports, the importer shall produce to his Authorized Dealer one copy of each relative Customs import entry, appraisal note or Customs Invoice in lieu thereof, stamped and attested by a Customs official. The Authorized Dealer shall mark each such Customs document to indicate it has been used for the purposes of this Regulation (any stamp containing the name of the bank and branch, and the date, will be sufficient) and return the document to the importer. No authorized Dealer shall sell foreign exchange, except in cases for which no permit is required pursuant to Regulation 29, or issue a permit for the payment of Canadian Dollars, in payment for any such unlicensed imports unless the importer presents Customs import documents as aforesaid, not previously used for such purpose, to an amount approximately equal to the value of the foreign exchange or Canadian Dollars in question, nor unless the importer states in his application that it relates to imports represented by the said import documents and lists the Customs identification numbers thereof. Provided, however, that an Authorized Dealer may, in his discretion, sell foreign exchange or issue a permit for the payment of Canadian Dollars in advance of the importation, if satisfied that the relative imports will be made and that import documents will be subsequently presented, as aforesaid, and in any such case the Authorized Dealer shall report to the Board if the said import documents are not presented on or about the date indicated in the importer's application for foreign exchange or for permission to make payment in Canadian Dollars. Any Authorized Dealer to whom application is made for foreign exchange pursuant to Regulation 29 in connection with a payment for imports may in his discretion require production of import documents or other evidence sufficient to satisfy him that the foreign exchange or Canadian Dollars in question are required for the purpose of making payment for imports as stated by the applicant."

Certified to be a true copy and in accordance with the Minutes of the Board.

G. F. TOWERS,  
*Chairman.*

Order in Council authorizing medical care, etc.—Canadian salt-water fishermen  
P.C. 3492

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 10th day of November, 1939

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL

Whereas under Order in Council P.C. 3359, dated November 10, 1939, provision is made for the payment of pensions to such persons employed in ships of Canadian registry or licence and such Canadian salt-water fishermen as, in the pursuit of their callings, suffer disability or death during the war with the German Reich, as a result of enemy war-like action or counter-action against the same;

And whereas under the provisions of Part V of the Canadian Shipping Act (Chapter 44 of the Statutes of 1934, as amended), free treatment may be provided for such persons employed in ships of Canadian registry and for certain Canadian salt-water fishermen who may suffer disability as aforementioned;

And Whereas the Minister of Pensions and National Health reports that there are, however, certain Canadian salt-water fishermen who are not entitled to receive free treatment under the provisions of Part V of the said Act; and

That, in his opinion, all persons employed in ships of Canadian registry and all Canadian salt-water fishermen who, in the pursuit of their callings, suffer disability as a result of enemy war-like action or counter-action taken against the same, should be placed on a parity, not only with respect to payment of pensions but also with respect to the provision of free treatment on account of such disability;

Now, therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health and under and by virtue of the War Measures Act, Chapter 206, R.S.C., 1927, is pleased notwithstanding anything to the contrary contained in the Canada Shipping Act or any other Act or Regulation, to make the following regulations and they are hereby made and established accordingly:—

#### REGULATIONS

1. In these regulations, unless the context otherwise requires,

(a) "War with the German Reich" means the war into which Canada entered on the 10th day of September, 1939;

(b) "Canadian salt-water fisherman" means a person of Canadian nationality employed upon a fishing vessel or boat engaged in the fishing industry of Canada in tidal waters;

2. Free medical, surgical, or other treatment, as the case requires, shall be provided by the Department of Pensions and National Health for all Canadian salt-water fishermen who, while serving upon any fishing vessel or boat engaged in the Canadian salt-water fishing industry during the war with the German Reich, suffer disability as a result of enemy war-like action or counter-action taken against the same; provided that such fishermen are not otherwise entitled to such free treatment under the provisions of Part V of the Canada Shipping Act;

3. The cost of such free treatment in the next preceding regulation mentioned shall be chargeable against funds provided under the War Appropriation Act, 1939; provided that such cost shall be recouped from funds accruing to the Custodian of Enemy Property as and when available.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council*

#### Order in Council authorizing Industrial Disputes Investigation Act to apply to Government War Contracts

*Canada Gazette, 2nd December, 1939*

P.C. 3495

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under and in virtue of the War Measures Act (chap. 206, R.S.C. 1927), is pleased to order and it is hereby ordered that the provisions of the Industrial Disputes Investigation Act (chap. 112, R.S.C., 1927), other than section 64 thereof, shall specifically apply in respect of any



dispute between employers and employed engaged in the construction, execution, production, repairing, manufacture, transportation, storage or delivery of munitions of war or supplies, and in respect also of the construction, remodelling, repair or demolition of defence projects, as hereinafter respectively defined, intended for the use of His Majesty's naval, military or air forces or for the use of the forces of any of His Majesty's allies in the present war.

His Excellency in Council is hereby further pleased to order that in and for the purposes of this Order,

- (a) "munitions of war" means arms, ammunition, implements of war, naval, military or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof;
- (b) "supplies" includes materials, equipment, ships, aircraft, automotive vehicles, goods, stores and articles or commodities of every kind including, but not restricting the generality of the foregoing (i) articles and equipment which, in the opinion of the Minister of Labour, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Minister of Labour, is, or is likely to be, necessary for or in connection with the production, storage or supply of any such article as aforesaid;
- (c) "defence projects" includes the construction, erection, repair, improvement or extension of buildings, aerodromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council*

### Order in Council requiring stiffening in Canadian ships

P.C. 3531

### AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that it is necessary to provide stiffening to enable the installation of defensive armament in merchant ships;

That in respect of ships of Canadian Registry already built, action to install the necessary stiffening is being taken at the expense of the Canadian Government; and

That ships now under construction or to be constructed in Canada for Canadian Registry should be provided with the necessary stiffening whilst in process of construction;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to order and it is hereby ordered that all ships of 500 gross tons or over under construction on the date hereof, and all such ships which may in future be constructed in Canada for Canadian Registry, shall be provided, at the expense of the owner, with such stiffening as may be determined to be necessary by competent naval authority.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council*



Order in Council regulating issue of licences for export of fibre flax seed

P.C. 3532

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Agriculture reports that he has received representations from the Agricultural Supplies Committee:

1. That there is in prospect a serious shortage of fibre flax in Great Britain;
2. That the Fibre Control Board of Great Britain has offered to Canada a guaranteed market up to 10,000 tons per annum;
3. That while the Canadian 1939 crop amounts to only some 1,300 tons, Mr. A. Fyfe, official representative of the Fibre Control Board, is at present in Canada with a view to purchasing these supplies;
4. That while recognizing the impracticability of Canada's supplying in 1940—10,000 tons of fibre flax, Mr. Fyfe has, since his arrival here, urged the importance of organizing production to ensure at least 5,000 tons; and
5. That, owing to strong demand at the present time in the United States for fibre flax, there is a possibility that a part of the small supplies available in Canada this year may find a market in that country, despite the fact that the Fibre Control Board is prepared to pay the equivalent of the net return available from that market.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under and by virtue of the powers in that behalf conferred by the War Measures Act, 1914, is pleased to order and it is hereby ordered that, until further notice, licences for export of fibre flax from Canada be withheld unless recommended by the Minister of Agriculture.

(Sgd.) H. W. LOTHROP

*Assistant Clerk of the Privy Council*

Order in Council authorizing Department of National Defence to lease accommodation for Naval, Military and Air Forces

P.C. 3556

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 9th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that the provision of accommodation, (other than office accommodation), for the purposes of the Naval, Military and Air Forces of Canada, is a matter of pressing importance by reason of the approaching winter season and the facilities which would thereby be afforded for the proper training and maintenance of discipline of the members of the Forces concerned;

That the Department of Public Works, through the Deputy Minister of that Department, has stated that with respect to the provision of office accommodation it will continue to negotiate and enter into leases therefor, but that

in respect of accommodation required by the Department of National Defence for other purposes it considers that this is a matter which should be dealt with entirely by the Department of National Defence;

That the nature of the accommodation required by the Department of National Defence (other than office accommodation), for the purposes aforesaid, and the period for which the same is required, can only be determined by the exigencies of the situation as they exist at the moment, whereof that Department is in the best position to judge; and

That it would tend to the interests of efficiency and be in the best interests of economy if, subject to certain limitations, leases for accommodation (other than office accommodation), required by the Department of National Defence for the purposes of the Naval, Military and Air Forces of Canada, could be entered into under the authority of the Minister of National Defence;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Statute, Order or Regulation, is pleased to order and doth hereby order as follows;—

1. The Minister of National Defence may, on behalf of His Majesty The King, in the Right of the Dominion of Canada, lease accommodation (other than office accommodation), required by the Department of National Defence for the purposes of the Naval, Military and Air Forces of Canada, when the monthly rate of rental payable in respect of such accommodation does not exceed the sum of \$350, and the term of the said lease does not exceed one year, provided that no lease shall be entered into in any case where the monthly rate of rental exceeds \$350, or the term thereof exceeds one year, without the approval of the Governor General in Council first being had and obtained.

2. All leases already entered into by the Minister of National Defence, on behalf of His Majesty, in the Right of the Dominion of Canada, which are for a term not exceeding one year, and in respect of which the monthly rate of rental does not exceed \$350, shall be deemed to have been entered into in accordance with the authority granted under the immediately preceding paragraph of this Order.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council authorizing issue of licence—Trawler of French registration

P.C. 3572

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 9th day of November, 1939.

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Revenue reports that application has been made by Maritime National Fish Limited, of Halifax, Nova Scotia, for the transfer of the trawling licence now issued for the Canadian owned and registered vessel "Venosta" to the vessel "Administrateur Debournat", which vessel is a British built steam trawler registered at St. Pierre and fishing under the flag of the French Republic;

That in support of the application it is stated that the "Venosta" is one of three trawlers, the property of Maritime National Fish Limited, which have



been requisitioned for the Naval Service by the Minister of National Defence, and the company has been unable to purchase or charter any other suitable vessel of British registry and finds it impossible to conduct its business; and

That it is advisable for the security, defence and welfare of Canada that the supply of fish be maintained;

Now, therefore, his Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, concurred in by the Minister of Fisheries, and under the authority of Section 3 of The War Measures Act, is pleased to order that the provisions of sub-section (2) of Section 56 of The Fisheries Act, 1932, be and they are hereby waived to enable the French registered steam trawler "Administrateur Debournat" to enter and leave the port of Halifax while under charter to Maritime National Fish Limited, under licence to be issued by the Minister of Fisheries, for the purposes specified in Section 56 of The Fisheries Act, 1932, while such vessel is chartered by Maritime National Fish Limited.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council amending P.C. 3042 (11th October, 1939)

*Canada Gazette, 25th November, 1939*

P.C. 3607

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 14th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Acting Minister of Justice reports:

1. That Order in Council, P.C. 3042, of the 11th day of October, 1939, which made certain orders and regulations for the prevention of the use or possession of firearms, ammunition, dynamite, gunpowder or other dangerous explosive within Canada by enemy aliens, purports to be made under the provisions of section 6 of the War Measures Act 1914;

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927;

3. That the War Measures Act, 1914, was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes; and

4. That the authority for the said Order in Council should have been recited as section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice, is pleased to amend Order in Council P.C. 3042, dated the 11th October, 1939, and it is hereby amended by striking out in the enacting clause the following words "section 6 of the War Measures Act 1914", and by substituting therefor the following words "section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927".

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*



Order in Council amending regulations—Registration of Aliens—P.C. 3342

*Canada Gazette, 25th November, 1939*

P.C. 3623

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 14th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council P.C. 3342, of the 26th day of October, 1939, Regulation 26A of the Defence of Canada Regulations, was made providing that the provisions of Regulations 24, 25 and 26 of the said Defence of Canada Regulations shall apply mutatis mutandis to all persons born in territories which were under the sovereignty or control of the German Reich on September 3, 1939, who are not naturalized British subjects;

And whereas the Acting Minister of Justice reports that since the passing of this Order in Council representations have been made to the effect that certain persons of undoubted loyalty might be exempted from the operation of the provisions of the said Regulations relating to enemy aliens;

Now Therefore His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice, and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is hereby pleased to add the following Proviso to Regulation 26A, which was established by the said Order in Council, P.C. 3342, namely;

Provided that in the case of any such person the Registrar General may issue a certificate exempting such person from the operation of the provisions relating to enemy aliens.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

Order in Council extending term of service—officers and ratings,  
Royal Canadian Navy

P.C. 3675

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 15th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that it is expedient in the present emergency to extend for a greater period than that authorized by Sections 13, 18 and 28 of the Naval Service Act, Chapter 139 Revised Statutes

of Canada, 1927, the service of all classes of men serving in the Naval Service of Canada, who have been or who may hereafter be called into active service, whose term of service may have expired or may expire during the present period of hostilities;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased notwithstanding the provisions of any other Act or Regulation, to order that all classes of men in the Royal Canadian Navy, Royal Canadian Naval Reserve, and Royal Canadian Naval Volunteer Reserve, who have been or who in future may be called into active service, whose term of service may have expired or may expire during the present period of hostilities, be and they are hereby required to serve for a period of five years from the expiration of their respective terms of service, if their services be so long required.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

## Order in Council authorizing appointment of Transport Controller

*Canada Gazette, November 25, 1939*

P.C. 3677

### AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 15th day of November, 1939.

#### PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas Section 3 (d) of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, provides that the Governor in Council may make such orders and regulations as he may, by reason of the existence of real or apprehended war, deem necessary or advisable for the security, defence, peace, order and welfare of Canada in matters of transportation by land, air or water, and the control of the transport of persons and things;

And whereas the Minister of Transport reports that for the purpose of maintaining supplies and services necessary to the effective prosecution of the war, it is desirable to provide for the control of transportation by land and water in order to avoid waste, confusion and duplication of effort on the part of the various agencies of transport, to the end that the movement of troops, naval forces, materials and supplies required in the prosecution of the war, and the maintenance of supplies and services necessary to the life of the community may be made in a prompt, efficient and orderly manner, having regard to the degree of importance, for the time being, of each particular movement;

That for the purposes of such control it is expedient that applications for priority of transportation of troops, naval forces, materials and supplies on behalf of the Canadian government, the British government, and the government of France, or any other government, or agencies of such governments, shall be made through the Department of Transport, and that an Officer be appointed to deal with such applications in order to determine the preference or priority of movement to be given to such troops, naval forces, materials and supplies, and also to deal in like manner with any applications which may be made on behalf of private parties for priority of movement with respect to the transport of materials and supplies between points or places in Canada or between points or places in Canada and points or places in the United Kingdom or any other of His Majesty's dominions or any Allied State;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and pursuant to the aforementioned provisions of the War Measures Act, is pleased to order as follows:—

(1) Authority is hereby given for the appointment, by the Minister of Transport, of an officer to be known as the Transport Controller, whose duty it shall be to deal with all applications made on behalf of the above-mentioned governments or agencies in order to determine, from time to time, the preference or priority of movement to be given to any class or classes of troops, naval forces, materials or supplies on behalf of the above-mentioned governments or agencies according to the necessities of the case, and also in like manner to deal with such applications as may from time to time be made on behalf of private parties for priority of movement with respect to the transport of materials and supplies between points or places in Canada or between points or places in Canada and points or places in the United Kingdom or any other of His Majesty's dominions or any Allied State;

(2) All persons, companies, agencies, organizations and associations in any manner whatsoever interested in or concerned with the transportation aforesaid and all owners or charterers of British ships registered in Canada in which cargo space may be required, shall, in such matters, act upon and in accordance with the orders issued by the said Transport Controller acting on behalf of the Minister of Transport;

(3) The said Transport Controller shall co-operate with the Canadian representative of the British Ministry of Shipping in all matters relating to the transportation of troops, naval forces, materials and supplies required by the British government in the prosecution of the war;

(4) Authority is hereby given for the appointment, by the Minister of Transport, of such staff and organization at Ottawa and elsewhere in Canada as may be required by the said Transport Controller, and for the payment of the salaries and expenses of the said Transport Controller, his staff and organization, and for the making, by the Minister of Transport, of such rules and regulations as, in the opinion of the Minister, may be required for the purpose hereof;

(5) This Order in Council shall come into force upon publication thereof in the *Canada Gazette*, but not before November 30, 1939.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



Order in Council amending P.C. 2516—Necessaries of Life

P.C. 3691

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports:—

1. That Order in Council, P.C. 2516, of the 3rd day of September, 1939, which made certain regulations respecting necessities of life, purports to be made under the provisions of section 6 of the War Measures Act 1914.

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927.

3. That the War Measures Act 1914 was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes.

4. That the authority for the said Order in Council should have been recited as section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend said Order in Council and it is hereby amended by striking out in the enacting clause the following words "section 6 of the War Measures Act, 1914," and by substituting therefor the following words "section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927."

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council amending P.C. 2621—Agricultural Supplies Committee

P.C. 3692

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports:—

1. That Order in Council, P.C. 2621, of the 9th day of September, 1939, establishing the Agricultural Supplies Committee, purports to be made under the provisions of the War Measures Act, 1914.

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927.

3. That the War Measures Act 1914 was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes.

4. That the authority for the said Order in Council should have been recited as the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend said Order in Council and it is hereby amended by striking out in the enacting clause the following words "the War Measures Act 1914," and by substituting therefor the following words "the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927."

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council amending P.C. 3124—Fertilizer licence to export  
P.C. 3693

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports:—

1. That Order in Council, P.C. 3124, of the 12th day of October, 1939, respecting licences for export from Canada of fertilizers, purports to be made under the provisions of the War Measures Act, 1914.

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927.

3. That the War Measures Act 1914 was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes; and

4. That the authority for the said Order in Council should have been recited as the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend said Order in Council and it is hereby amended by striking out in the enacting clause the following words "the War Measures Act, 1914," and by substituting therefor the following words "the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927."

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council amending P.C. 3183—Sale of Codeine

P.C. 3694

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports:—

1. That Order in Council, P.C. 3183, of the 18th day of October, 1939, which made certain regulations amending the provisions of Order in Council, P.C. 2635, of the 11th day of September, 1939, purports to be made under the provisions of the War Measures Act, 1914;

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927.

3. That the War Measures Act 1914 was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes; and

4. That the authority for the said Order in Council should have been recited as the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend said Order in Council and it is hereby amended by striking out in the enacting clause the following words "the War Measures Act 1914," and by substituting therefor the following words "The War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927."

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council authorizing development of aerodromes by Minister of Transport

P.C. 3710

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence and the Minister of Transport report that it will be necessary to develop a number of aerodromes for the purpose of the scheme for the training of Air Force personnel of the United Kingdom and Dominions in Canada; and

That, in view of the extensive experience which the Department of Transport has had in the development of aerodromes on the route of the Trans-Canada Air Lines, the technical officers concerned of the Departments of Transport and National Defence, consider that the technical officers of the Depart-



ment of Transport can most expeditiously undertake the selection, survey, acquisition and construction of the aerodromes;

Now, therefore, His Excellency the Governor General in Council, on the joint recommendation of the Minister of National Defence and the Minister of Transport, and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act, Regulation or Order, is pleased to order and doth hereby order that the Minister of Transport shall undertake forthwith,—

- (a) The selection of suitable aerodrome sites subject to approval of suitability by the technical officers of the Department of National Defence.
- (b) The survey of the sites to verify suitability for economical development.
- (c) The preparation of development plans and specifications subject to approval of the technical officers of the Department of National Defence.
- (d) The acquisition of the necessary properties involved.
- (e) The development and construction of the said aerodromes, excepting the construction of buildings and hangars.

His Excellency in Council is hereby further pleased to order that all expenditure in connection with the foregoing shall be made a charge against the moneys appropriated by Parliament for the Department of National Defence.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

**Order in Council authorizing form of Agreement—Certified seed potatoes**  
P.C. 3711

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17th November, 1939.*

The Committee of the Privy Council have had before them a report, dated the 10th November, 1939, from the Minister of Agriculture, stating:

That, under the provisions of The War Measures Act, a Committee known as The Agricultural Supplies Committee, was set up by Order in Council P.C. 2621 of September 9, 1939, for the purposes therein stated; and

That, by Order in Council P.C. 3292 of October 25, 1939, the Agricultural Supplies Committee was authorized to contract for the purchase of disease free foundation seed potatoes up to a maximum of 40,000 bushels as set out in the said Order in Council.

The Minister therefore recommends that the form of contract hereto attached for use in purchasing such potatoes be approved and that authority be granted for the execution of all such contracts by the Acting Chairman and Secretary of the Agricultural Supplies Committee on its behalf.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

# Order in Council authorizing payment of Aircraft for United Kingdom

P.C. 3712

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17th November, 1939.*

The Committee of the Privy Council have had before them a report, dated 16th November, 1939, from the Minister of Finance, submitting:

1. That a contract has been entered into on behalf of His Majesty's Government in the United Kingdom (hereinafter called the Government of the United Kingdom) for the purchase of 600 Harvard Airframes and 750 engines for them from the North American Aviation Inc., at a price of approximately \$20,000,000 U.S. Funds;

2. That under the terms of the said contract the first payment of \$2,989,381.32 U.S. Funds or 15 per cent of the contract price is payable on November 23, 1939, in New York and a second payment of \$996,460.44 U.S. Funds or 5 per cent of the contract price is payable on December 15, 1939, in New York, the aggregate amount of the first and second payments being \$3,985,841.76 in U.S. Funds;

3. That the Government of the United Kingdom has requested the Government of Canada to make an advance to the Government of the United Kingdom to enable the first payment and, if necessary, the second payment required to be made under the said contract, with the undertaking of the Government of the United Kingdom to the effect that such advance will be dealt with as a transaction separate from any settlement of other financial matters outstanding between the two Governments and will be cleared up within four weeks of the first payment;

4. That Section 3 of the War Appropriation Act, 1939, reads as follows:

"3. The Government of Canada may act as the agent of the Government of any British or foreign country allied with His Majesty for any purpose which, in the opinion of the Governor in Council, will aid directly or indirectly in the prosecution of the war, and any recoverable costs assumed temporarily by the Government of Canada may be paid out of any unappropriated moneys in the Consolidated Revenue Fund."

5. That in the opinion of the Minister of Finance an advance to the Government of the United Kingdom for the purposes above mentioned will aid directly in the prosecution of the war.

The Committee, therefore, on the recommendation of the Minister of Finance, advise that under the War Appropriation Act, 1939, authority be granted to advance in accordance with the above request and undertaking, out of any unappropriated moneys in the Consolidated Revenue Fund, to the Government of the United Kingdom sums not exceeding \$3,985,841.76 U.S. Funds in the aggregate, such advance to be effected by the making by the Government of Canada as the agent of the Government of the United Kingdom, of the following payments:

- (a) On November 23, a payment of \$2,989,381.32 U.S. Funds to the account of the North American Aviation Inc., of 1775 Broadway, New York, at the National City Bank of New York, 57th Street Branch, New York;
- (b) On December 15 (if required by the Government of the United Kingdom) a payment of \$996,460.44 U.S. Funds to the account of the North American Aviation Inc., of 1775 Broadway, New York, at the National City Bank of New York, 57th Street Branch, New York.



The Committee further advise that the Minister of Finance be hereby authorized and directed to take all such steps and do all such acts and things as may be necessary or desirable to give effect to the provisions hereof.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council.*

Order in Council authorizing Censorship Regulations—Port of Halifax  
P.C. 3731

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence, with the concurrence of the Secretary of State of Canada, reports that in view of the fact that the Port of Halifax has become a naval operating base of considerable importance it is expedient in the public interest to institute certain censorship measures in respect of communications transmitted from or to the area of the said Port in order to prevent the leakage of Military information of vital importance therefrom;

That under the provisions of Regulation No. 13, of the Defence of Canada Regulations, the power to institute censorship with respect to land lines is specifically reserved to the Secretary of State of Canada;

That the said power was reserved to the Secretary of State of Canada to the end that the censorship of press despatches might be effectively carried out;

That experience has shown that such power is not required for the exercise of a censorship of press despatches; and

That it is expedient, as a measure of Military security, to censor telegraph measures originating in or addressed to the Halifax area;

Now, therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, is pleased to amend the Defence of Canada Regulations (P.C. 2483, 3rd September, 1939) and they are hereby amended as follows:—

1. Sub-paragraphs (a) and (b) of paragraph (5) of Regulation No. 13, are hereby deleted and the following substituted therefor—

(a) With reference to the operations, works or property of any cable company, telegraph company or telephone company and so far as concerns trans-oceanic radio communications with reference to the operations, offices, works or property of any radio telegraph company, the Minister of National Defence.

2. Sub-paragraph (c) of Paragraph (5) of the said Regulation No. 13 is re-lettered (b).

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council.*



Order in Council authorizing co-operation—Royal Canadian Navy with  
Royal Navy—P.C. 2638 rescinded

P.C. 3732

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, and notwithstanding the provisions of any other Act or Regulations, is pleased to order and it is hereby ordered that all Canadian Naval Establishments and all H.M.C. Ships now in commission or to be commissioned, together with the officers and seamen serving therein, shall during the present war co-operate to the fullest extent with the Royal Navy, and with all other Naval Forces of His Majesty.

His Excellency in Council, on the same recommendation, is further pleased to cancel Order in Council of the 14th September, 1939 (P.C. 2638), and it is hereby cancelled accordingly.

(Sgd.) H. W. LOTHROP

*Assistant Clerk of the Privy Council.*

*Canada Gazette, 21st November, 1939*

GOVERNMENT NOTICE

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

To all to whom these Presents shall come or whom the same may in anywise concern,

GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by Order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the Order.

And whereas it has been represented to the undersigned that the Communist newspaper *Clarion* has been disseminating subversive propaganda.

And whereas the press censors, after careful consideration, have come to the conclusion that immediate action should be taken to prevent the dissemination of this and similar subversive propaganda emanating from the same source.

And whereas the Director of Censorship concurs in the recommendation of the press censors.

Know you that the undersigned, the Acting Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada Regulations, is pleased to order and doth hereby order that the publication of the Communist newspaper *Clarion* be prohibited.

Dated at the Department of the Secretary of State, at the City of Ottawa, this twentieth day of November, in the year of Our Lord, one thousand nine hundred and thirty-nine.

ERNEST LAPOINTE,

*Acting Secretary of State.*

Order in Council authorizing Wartime Prices and Trade Board to fix  
maximum prices for Wool

*Canada Gazette, 25th November, 1939*

P.C. 3776

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2516 of the 3rd day of September, 1939, as amended by Order in Council P.C. 2625 of the 9th day of September, 1939, the Wartime Prices and Trade Board is empowered, subject to the approval of the Governor in Council, to fix maximum prices or margins of profit at which any necessary of life may be sold or offered for sale;

And whereas by Order in Council P.C. 2754 of the 19th day of September, 1939, the appointment by the said Board of David C. Dick, Esquire, as Wool Administrator was approved;

And whereas on the recommendation of the said Wool Administrator, the Board deems it to be in the public interest to fix maximum prices for fleece and pulled wools, domestic or imported, of qualities known commercially as "44s to 50s" inclusive, and for tops, domestic or imported, of similar qualities;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the power conferred by the War Measures Act or otherwise vested in the Governor General in Council, is pleased to approve and doth hereby approve the exercise by the Wartime Prices and Trade Board of the power to fix maximum prices for the aforesaid wools and tops, under such conditions as to grading and appraisal as may be ordered by the said Board.

(Sgd.) H. W. LOTHROP,

*Asst. Clerk of the Privy Council.*

Order in Council directing no account shall be taken of appreciation  
in value of ships requisitioned. (P.C. 2815 amended)

*Canada Gazette, 2nd December, 1939*

P.C. 3785

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22nd November, 1939.*

The Committee of the Privy Council have had before them a report, dated November 21, 1939, from the Minister of Transport, representing:

That under Order in Council P.C. 2815 of the 22nd September, 1939, authority was given for the appointment, by the Minister of Transport, of Advisory Boards, one for the Pacific coast, and one for the Great Lakes, River St. Lawrence and Atlantic coast, to consider and make recommendations to the Director of Marine Services of the Department of Transport, in each case referred by him to either of such Advisory Boards, as to a fair compensation to be made to the owner of a vessel requisitioned for His Majesty's service pursuant to the provisions of paragraph (1) of Regulation 48 of the Defence of Canada Regulations; and

That it is deemed expedient to direct that the Advisory Boards, appointed pursuant to the provisions of the said Order in Council P.C. 2815, in considering the amount of a fair compensation to be made to the owner of a vessel requisitioned for the use of His Majesty, pursuant to the provisions of the said Regulation, base their recommendations to the said Director of Marine Services on the principle that, in determining a fair compensation payable for the use of a vessel requisitioned as aforesaid, no account shall be taken of appreciation in value due to the emergency of war.

The Minister, therefore, on the advice of the Director of Marine Services of the Department of Transport, concurred in by the Deputy Minister of Transport, recommends that, under and by virtue of the powers conferred by the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, the said Order in Council P.C. 2815 of September 22, 1939, be amended to provide that the Advisory Boards appointed thereunder by the Minister of Transport, be directed to base their recommendations to the said Director of Marine Services, in each case referred by him to either of such Advisory Boards, on the principle that, in determining a fair compensation to be made to the owner of a vessel requisitioned for His Majesty's service pursuant to the provisions of paragraph (1) of Regulation 48 of the Defence of Canada Regulations, no account shall be taken of appreciation in value of such vessel due to the emergency of war.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

## Order in Council making War Supply Board responsible to Minister of Transport

P.C. 3786

### AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Right Honourable the Prime Minister, with the concurrence of the Minister of Finance and the Minister of Transport, and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend Order in Council P.C. 2696 dated September 15, 1939, establishing the War Supply Board, and it is hereby amended by striking out paragraph (b) of Section 1 thereof and substituting therefor the following:

"(b) "Minister" means the Minister of Transport;"

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*



Order in Council amending Foreign Exchange Control Regulations

*Canada Gazette (Extra), November 22, 1939*

P.C. 3799

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, is pleased to amend the Foreign Exchange Control Order (P.C. 2716 dated September 15, 1939, as amended by P.C. 2852 dated September 25, 1939), and it is hereby further amended as follows:

1. Paragraph (k) of subsection (2) of Section 2 of the said Order is amended by adding thereto the following:

"Any person who was a resident on September 15, 1939, or at any subsequent time shall thereafter be deemed to be a resident for the purposes of this Order unless the Board makes a finding to the contrary."

2. The following Section is hereby added after Section 18 of the said Order:

*"Change of Residence"*

18A. Any non-resident becoming a resident subsequent to September 15, 1939, shall forthwith declare to the Board, in such manner as the Board may determine, all foreign exchange and foreign securities which, or any right, title or interest in or to which, is in the possession, ownership or control of such person at the time of becoming a resident, and in case of doubt the Board may determine, for the purposes of this Order, the time at which such person became a resident.

3. The following Sections are hereby added after Section 19 of the said Order:

*"Kinds of Foreign Currency Required for Exports and other Transactions"*

19A. The Board may from time to time prescribe the foreign currencies which may or may not be received in connection with exports or other transactions involving foreign exchange, with respect to particular transactions or kinds of transactions, and in any such case it shall be unlawful for any person, except as permitted by the Board, to engage in any such transaction for payment otherwise than in accordance with the ruling of the Board.

*"Prepayment of Freight on Exports"*

19B. If freight is to be prepaid on any shipment of goods exported from Canada, the exporter of such goods must, unless the Board otherwise provides, pay or agree to pay the cost of each freight to the transportation company concerned, and must charge the same to his customer as follows:

(a) If the goods are being exported for payment in foreign exchange the exporter shall charge his customer with the equivalent of the cost of the freight either in the same foreign currency as the goods were sold or in the foreign currency, if any, in which the freight was paid.

(b) If the goods are being exported for payment in Canadian dollars under a permit from the Board the exporter shall charge his customer with the cost of such freight either in Canadian dollars, in which case payment must be obtained in the same manner as is required for payment for the goods, or in the equivalent amount of foreign exchange.

4. The following Sections are hereby added after Section 21 of the said Order:

*"Export of Capital."*

21A. (1) Unless the Board otherwise provides, no person shall make an export of capital from Canada except as permitted by the Board.

(2) Without restricting the generality of the expression "export of capital," each of the following shall be considered to be an export of capital, if effected directly or indirectly by any person:

(a) The making of any export shipment from Canada of goods or other property having a fair value in excess of \$100 for which no payment is to be received, or at a price less than the fair value thereof;

(b) The importation of any goods or other property into Canada at a price in foreign exchange greater than the fair value thereof, or the payment to a non-resident for goods or other property imported into Canada of an amount in foreign exchange greater than the fair value thereof;

(c) The sale of any goods or other property for export, or the sale of any goods or other property exported from Canada, in either case on terms which provide for payment more than six months after shipment from Canada, except that where any goods are shipped on consignment within the usual course of the exporter's business it shall be permissible to provide for payment not more than six months after the date of sale of such goods;

(d) Failure to take reasonable steps to collect any debt owing by a non-resident with respect to goods or other property exported or to be exported from Canada, or the granting of an unreasonable extension of time for payment of any such debt;

Provided, however, that this subsection shall not apply with respect to the export or sale of goods or other property, or the collection of any debt resulting therefrom, by a non-resident who has previously paid to a resident an amount not less than the fair value thereof in foreign exchange or, if so permitted by the Board, in Canadian dollars, nor with respect to the export or sale of any goods or other property to the government of the United Kingdom or of any country in the British Empire or to any allied government in the present war.

(3) Without restricting the generality of the expression "export of capital" or the operation of subsection (2), each of the following shall be considered to be an export of capital if effected directly or indirectly by any resident:

(a) The transfer to a non-resident of any property situated abroad or any foreign securities held in Canada or abroad or any claim upon a non-resident, having a fair value in excess of \$100, except for payment of the fair value thereof in foreign exchange not more than six months after the date of the transfer, or, if so authorized by the Board, for payment of the fair value thereof in Canadian dollars not more than six months after the date of the transfer.

(b) The acceptance of payment in Canadian dollars in satisfaction of all or part of any debt owing in foreign exchange to such resident by a non-resident.



(c) The waiver or relinquishment of, or the failure to take reasonable steps to acquire title to, any foreign exchange or foreign securities, or any debt owing by a non-resident in foreign exchange, or any property situated abroad, or any right, title, or interest in or to any such foreign exchange, foreign securities, debt or property, to which such resident is or may be entitled.

(d) Paying or contracting to pay to a non-resident for any goods or other property situated abroad or in Canada an amount in foreign exchange which is greater than fair value thereof.

(e) Creating, acknowledging, paying or giving security for a debt in foreign exchange to a non-resident other than a debt for the fair value of goods or other property transferred or of services rendered by such non-resident, or of goods or other property received by such resident for such non-resident.

(4) Notwithstanding any other provisions of this section, it shall not be considered to be an export of capital, unless the Board otherwise provides, to export securities beneficially owned by a non-resident or to transfer to a non-resident securities or other property beneficially owned by such non-resident.

(5) For the purposes of this section the Board shall have full power to determine what constitutes the fair value of any goods or other property exported, transferred, received or imported by a resident company or branch or from any non-resident parent, subsidiary, affiliated or associated company or branch.

(6) A licence, permit or exemption granted by or on behalf of the Board with relation to any property, whether or not the value or the purported value of such property is stated therein, shall not be deemed to constitute any acknowledgement by the Board or other evidence of the fair value of such property nor to authorize any action which would be in contravention of the foregoing provisions of this section unless the contrary is clearly apparent from the terms of the licence, permit or exemption or is expressly stated by the Board.

(7) The Board may, by regulation, further define what shall or shall not constitute an export of capital, provided that no such regulation shall be retro-active in effect.

(8) Nothing in this section shall be construed so as to authorize any transaction which is rendered unlawful under any other section of this Order or which requires any licence, permit or other authorization granted by or on behalf of the Board.

#### *"Export of Services"*

21B. (1) No person shall perform services in Canada for a non-resident, and no resident shall perform services outside Canada for a non-resident, otherwise than for payment in foreign exchange of not less than the fair value thereof, unless exempted by the Board.

(2) Subsection (1) shall apply only with respect to services designated by the Board, and in such circumstances as the Board may prescribe.

5. Section 39 of the said Order is amended by adding thereto, as subsection (3), the following:

"(3) Where any person is charged with an offence under the provisions of this Order it shall not be necessary for the prosecuting authority to establish that the person so charged did not possess a licence or permit issued by or on behalf of the Board or had not been exempted from the relative provisions of this Order, and if the person so charged pleads or alleges that he had any such licence or permit or had been so exempted, the burden of proof thereof shall be on the person so charged."



6. Subsection (1) of Section 40 of the said Order is amended by adding after the words "summary conviction" where they appear therein the words "or on indictment."

7. Section 45 of the said Order is amended by adding thereto, as subsection (2), the following:

"(2) Every person having power to administer oaths or receive affidavits or statutory declarations for any purpose shall have similar power in any matter concerning this Order, and every Inspector appointed by the Board and any other person specifically designated by the Board or by any member of the Board shall have power to administer oaths and receive affidavits and statutory declarations."

8. Section 46 of the said Order is amended by adding thereto, as subsection (2), the following:

"(2) Every provincial and municipal law enforcement officer, in addition to any other authority which he may possess for the enforcement of the provisions of this Order, shall have the same power and authority as is conferred upon certain officers and employees of the Dominion Government in subsection (1) of this section."

H. W. LOTHROP

*Assistant Clerk of the Privy Council.*

## REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

*Certified extract from the Minutes of a Meeting of the Foreign Exchange Control Board held at Ottawa on the 22nd day of November, 1939.*

On motion duly made and seconded the following Regulations numbered 40 to 42 inclusive were passed and enacted:

40. For the period from the coming into force of this regulation up to and including the 31st day of December, 1939, no export licence will be required for the export of gifts in the form of goods or currency to a value not exceeding \$25 for each such export.

41. No person shall make any export to a country outside the British Empire for payment in sterling or in the currency of any British Empire country except by special permission of the Board.

42. After the 30th day of November, 1939, section 19 (2) of the Order shall apply with respect to sales for export entered into prior to the date on which the Order came into force in the same manner and to the same extent as in the case of sales for export entered into subsequent to the date on which the Order came into force.

Certified to be a true copy.

D. GORDON

*Chairman (Alternate)*

Order in Council amending Agreement—Nova Scotia Apples

P.C. 3801

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 23rd November, 1939.*

The Committee of the Privy Council, on the recommendation of the Minister of Agriculture, advise that the agreement with processors of apples carrying on business in Nova Scotia with respect to the processing of apples grown in Nova Scotia, which was authorized by Order in Council P.C. 3187 of October 18, 1939, be hereby amended as follows:

That the phrase "subsection (2)" in Clause 2 (c) be changed to read "subsection (3)".

That the word "apples" in Clause 2 (c) be changed to read "processed products."

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council amending P.C. 3391—The Visiting Forces Act, 1933

P.C. 3802

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas by an Order in Council of November 2, 1939, P.C. 3391, respecting the relationship of Military and Air Forces of Canada present in the United Kingdom and on the Continent of Europe with the Military and Air Forces of the United Kingdom, the Governor General in Council, pursuant to the provisions of The Visiting Forces (British Commonwealth) Act 1933, was pleased to order, *inter alia*,—

"3. That, in respect of any Military and Air Forces of Canada serving in the United Kingdom, those parts thereof as may from time to time be detailed for that purpose by the appropriate Canadian Service Authorities as from time to time designated by the Minister of National Defence, shall act in combination with those Forces of the United Kingdom to which the same have been so detailed."

And whereas the Minister of National Defence reports that the Deputy Minister of Justice has expressed the opinion that, having regard to the relevant provision of the said Act, namely, sub-section 5 of Section 6 thereof, he entertains considerable doubt that it is within the competence of the Governor in Council, in virtue merely of that sub-section, to delegate in the manner indicated by paragraph 3 of the Order in Council aforesaid, his power to declare when any Military and Air Forces of Canada shall be deemed to be acting in combination with Forces of the United Kingdom; and

That the Deputy Minister of Justice considers, that the Governor General in Council has power, under and by virtue of the War Measures Act, to make the declaration set out in the said paragraph 3.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to amend the first enacting clause of Order in Council P.C. 3391, dated 2nd November, 1939, and it is hereby amended, effective the 2nd November, 1939, to read as follows:—

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of the Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, and under and by virtue of the War Measures Act, chapter 206, Revised Statutes of Canada 1927, is pleased to order and doth hereby order and declare,—

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council*

**Order in Council amending Defence of Canada Regulation No. 26—  
Tribunals—Appeals of interned aliens**

*Canada Gazette, 2nd December, 1939*

P.C. 3812

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that the procedure relating to appeals by enemy aliens against internment, set out in paragraphs (1), (2) and (3) of Regulation 26 of the Defence of Canada Regulations, has not resulted in a prompt and just disposition of such appeals;

That in the opinion of the Minister a more speedy disposition of such appeals would result by the designation by the Minister of Justice of one or more persons for the hearing of such appeals, who would proceed to the various internment camps and dispose of same; and

That the person designated, referred to in the Regulation as a Tribunal, should be empowered to administer oaths and to receive and accept such evidence and information on oath, affidavit or otherwise as in his discretion he may deem fit and proper;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased to order and doth hereby order and direct that the procedure set out in paragraphs (1), (2) and (3) of Regulations 26 of the Defence of Canada Regulations (P.C. 2483, 3rd September, 1939) shall apply only to appeals of enemy aliens, notices of which were filed with the Director of Internment Operations before the first day of November, 1939.



His Excellency in Council is further pleased, under the above cited authority, to amend the said Defence of Canada Regulations and they are hereby amended by rescinding paragraphs (1), (2) and (3) of Regulation 26 and substituting therefor the following paragraphs, which shall apply to appeals of enemy aliens filed with the Director of Internment Operations on and after the first day of November, 1939:

26(1) Any enemy alien who has been interned under the provisions of this Part, may within thirty days from the date of such internment, appeal against such internment to the person designated by the Minister of Justice for the purpose of hearing such appeals, hereinafter referred to as "The Tribunal".

(2) A written notice of appeal, signed by the appellant, shall be delivered to and filed with the person having the custody of such appellant, who shall forthwith transmit a true copy thereof to the Registrar General of Enemy Aliens and shall notify the Tribunal thereof.

(3) The Tribunal on receipt of notice of such appeals shall give such directions as may be convenient and necessary for the prompt and just hearing and disposition thereof.

(3A) The Tribunal may administer oaths and may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

## Order in Council setting up Airport Zoning Regulations

*Canada Gazette, 9th December, 1939*

P.C. 3867

### AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 28th day of November, 1939.

PRESENT:

HIS EXCELLENCY  
THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under and by virtue of the provisions of the War Measures Act, being Chapter 206 of The Revised Statutes of Canada, 1927, is pleased to make the annexed regulations relative to the zoning of airports in Canada, designated by the Minister of Transport for direct or indirect use for military purposes, to be cited as "The Airport Zoning Regulations, 1939", and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

*Airport Zoning Regulations, 1939*

1. These Regulations shall be known as "The Airport Zoning Regulations, 1939".

2. No person shall erect or construct or cause or permit to be erected or constructed on any land adjacent to, surrounding or near any airport in Canada, designated by the Minister of Transport for direct or indirect use for military purposes, any building, chimney, pole, tower or other structure:—

(i) (a) Exceeding a height of one foot (1') for every twenty feet (20') that such building, chimney, pole, tower or other structure is located from the boundary of such airport, provided the said building, chimney, pole, tower or other structure is not located within the flightway;

(b) Exceeding a height of one foot (1') for every fifty feet (50') that such building, chimney, pole, tower or other structure is located from the boundary of such airport when the location of the said building, chimney, pole, tower or other structure is within the flightway.

(ii) For the purpose of these regulations, "Landing Strip" shall be deemed to be that part of an airport which is specially prepared for the landing and taking off of aircraft; "Flightway" shall be deemed to be that area at the end of each landing strip which shall have a width of eleven hundred feet (1100') measured five hundred and fifty feet (550') in each direction at right angles to the projection of the centre line of such landing strip extending outward in horizontal direction from the boundary of such airport; and "Airport" shall mean any airport as defined in The Air Regulations, 1938, and/or any airport constructed by His Majesty under the direction of the Minister of Transport for military purposes.

3. No person shall operate or permit or cause to be operated any machine, device, contrivance, or thing, in the vicinity of any airport designated by the Minister under the next preceding Regulation after being notified by the Minister that, in his opinion, the machine, device, contrivance, or thing, causes, or is likely to cause, a hazard or obstruction to aircraft using such airport by the emission of light, smoke, fumes, or in any other manner.

4. Every person who contravenes or fails to comply with any of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars (\$100), or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

5. These Regulations shall come into force with respect to any airport designated by the Minister of Transport under Regulation 2 hereof upon publication in the Canada Gazette of notice of such designation.

Order in Council amending Foreign Exchange Control Regulations

*Canada Gazette (Extra) 30th November, 1939*

P.C. 3878

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 28th day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, is pleased to amend Order in Council P.C. 3799, dated November 22, 1939, and it is hereby amended by striking out the words "of subsection (2)" where they appear in paragraph 1 of the said Order in Council, so that the said paragraph as amended shall read as follows:

1. Paragraph (*k*) of Section 2 of the said Order is amended by adding thereto the following:

"Any person who was a resident on September 15, 1939, or at any subsequent time shall thereafter be deemed to be a resident for the purposes of this Order unless the Board makes a finding to the contrary."

(Sgd.) H. W. LOTHROP

*Assistant Clerk of the Privy Council.*

Order in Council establishing Regulations to control the flying of  
civil aircraft

*Canada Gazette (Extra) 9th December, 1939*

P.C. 3987

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and under and by virtue of the provisions of the War Measures Act, being Chapter 206 of The Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act, Regulation or Order, is pleased to make the annexed regulations to control the flying of civil aircraft in Canada during war, to be cited as "The Defence Air Regulations, 1939," and they are hereby made and established accordingly.

H. W. LOTHROP

*Assistant Clerk of the Privy Council.*



## REGULATIONS TO CONTROL THE FLYING OF CIVIL AIRCRAFT IN CANADA DURING THE WAR

1. These regulations may be cited as "The Defence Air Regulations, 1939."
2. No foreign civil aircraft shall be flown over Canada or Canadian waters, as defined by the Customs Act, unless—
  - (a) Such aircraft is operated on an international scheduled air transport service licensed by the Minister of Transport under Part VII of The Air Regulations, 1938, or
  - (b) Permission for the entry of such aircraft into Canada has been given by the District Inspector of Civil Aviation of the Department of Transport into whose district it is proposed to fly such aircraft.
3. Applications for permission for entry of foreign aircraft into Canada shall be made to the following officers of the Department of Transport in respect of each of the Customs airports noted hereunder.

Moncton or Shediac, N.B.

Montreal, P.Q.

District Inspector, Air Regulations, Room 607, 400 Youville Square,  
Montreal, P.Q.

Hamilton, Toronto and Windsor, Ont.

District Inspector, Air Regulations, No. 1 Montgomery Avenue, Postal  
Station "K," Toronto, Ontario.

Winnipeg, Manitoba.

District Inspector, Air Regulations, 717 Dominion Public Building,  
Winnipeg, Manitoba.

Lethbridge, Alberta.

District Inspector, Air Regulations, 402 Blowey-Henry Building, Jasper  
Avenue, Edmonton, Alberta.

Vancouver, B.C.

District Inspector, Air Regulations, 420 Federal Building, 325 Granville  
Street, Vancouver, B.C.

Permission shall be given under this regulation for daylight flying only.

4. (a) No civil aircraft, other than an aircraft licensed to operate on a scheduled air transport service, as provided under Part VII of The Air Regulations 1938, shall be flown over any of the prohibited areas set forth in Schedule A to these regulations without the permission of one of the following officers of the Department of National Defence.—

- (i) For the Province of Nova Scotia, and prohibited areas within New Brunswick, Prince Edward Island and Quebec, the  
Air Officer Commanding,  
Eastern Air Command,  
Royal Canadian Air Force,  
17 South Street,  
Halifax, N.S.
- (ii) For prohibited areas in the Province of Ontario, the  
Air Officer Commanding,  
Air Training Command,  
Royal Canadian Air Force,  
Prudential House, 55 York Street,  
Toronto, Ontario.

- (iii) For prohibited areas within the Provinces of Manitoba, Saskatchewan, Alberta and British Columbia, the  
Air Officer Commanding,  
Western Air Command,  
Royal Canadian Air Force,  
715 Hastings Street West,  
Vancouver, B.C.

(b) The Pilot or other person in charge of any aircraft having obtained permission under paragraph (a) of this regulation to fly over any of the said prohibited areas shall facilitate identification of such aircraft from the ground, and to that end the following procedure shall be followed.—

- (i) The aircraft shall be flown via the route specified by the officer granting permission and shall enter and leave the prohibited area within the time limits named in the permit to enter, and special recognition signals shall be made or displayed, if called for, during the flight.
- (ii) The aircraft shall cross the perimeter of the prohibited area with the undercarriage in the “down” position at a height not greater than 2,000 feet above the surface of the ground or water over which the aircraft is being flown at the time.
- (iii) The aircraft shall, if it is necessary to land within the prohibited area, proceed in a straight line to the landing area before circling to land.
- (iv) The aircraft leaving a prohibited area shall fly clear of that area with the least possible delay after take-off.

5. No civil aircraft shall be flown at night without the permission of the Minister of Transport.

6. (1) No person shall, by means of any radio apparatus installed in any civil aircraft under a licence granted by the Minister of Transport under The Radio Act, 1938, transmit or receive any message except a message relating to the navigation of such aircraft or the safety of life; provided that the Minister may permit the transmission and reception by means of such radio apparatus of commercial messages under such conditions and restrictions as he may prescribe.

(2) No person shall transmit or receive by means of radio apparatus, installed in any civil aircraft, messages in code or in any language other than English or French.

7. No person shall give or display from any civil aircraft, in flight or on the ground, any signal not authorized by The Air Regulations, 1938.

8. No arms or munitions of war or explosives, other than explosives authorized by the Minister of Transport to be used for signal purposes, shall be carried in a civil aircraft without the permission of the Minister of Transport.

9. No aerial photographs shall be taken from any civil aircraft without permission of the Minister of Transport, nor shall any photographic apparatus, plates or films be carried in any civil aircraft except as baggage or express, in which case such apparatus, plates or films shall be locked in a compartment of the aircraft separate from the passengers.

10. In addition to the documents required under paragraph 9 of Part VIII of The Air Regulations, 1938, every civil aircraft in flight in Canada, and every aircraft entering Canada on a scheduled air transport service shall have on board a written record showing—

- (a) The nationality of each passenger and each member of the crew;
- (b) The immediate and ultimate destination of each passenger;
- (c) The nature, place of origin and destination, and the name and address of the consignor and consignee of all cargo carried by such aircraft.



11. Every licence or certificate issued under The Air Regulations, 1938, to a pilot or air engineer of other than British nationality, or the nationality of any power allied or associated with His Majesty in the prosecution of the war which commenced on September 10, 1939, shall be suspended upon the coming into force of these regulations unless in the opinion of the Minister of Transport, it is in the national interest that such licence or certificate remain in force.

12. No civil aircraft registered in Canada as a private aircraft shall be flown within or beyond Canada without permission of the Minister of Transport.

13. No civil aircraft operating on an international scheduled air transport service, licensed under Part VII of The Air Regulations, 1938, shall depart from the air route authorized under such licence, except under stress of weather or in the interest of safety, and for the purpose of this regulation such air route shall be deemed to have a width of twenty miles with the centre line extending in a straight line between the Customs airports between which such aircraft is in flight.

14. Every pilot or other person in charge of a civil aircraft registered in Canada or any other of His Majesty's Dominions or the United Kingdom, and operating on a scheduled air transport service licensed under Part VII of The Air Regulations, 1938, and every member of the crew of such aircraft shall take and subscribe the oath of allegiance to His Majesty and the oath of secrecy contained in Schedule B to these regulations, and refusal to take and subscribe either of such oaths shall be cause for cancellation by the Minister of Transport of the licence or certificate authorizing such person to act as pilot or member of the crew of such aircraft.

15. No civil aircraft shall be flown within any of the prohibited areas set forth in Schedule A to these regulations unless such aircraft is engaged in training pilots or other personnel for the Royal Canadian Air Force, in which case the aircraft shall—

- (a) Confine its flying to such training only, and
- (b) Be coloured and marked in the manner prescribed by the Royal Canadian Air Force; and
- (c) Confine its flying to daylight only and restrict its flights to areas as close as possible to the immediate vicinity of the aerodromes from which it takes off.

16. (a) These regulations shall extend and apply to aircraft owned by and operated in the service of His Majesty in the right of Canada or of any Province of Canada or of any other of His Majesty's Dominions or of the United Kingdom, and to every pilot and other person engaged in the operation of such aircraft.

- (b) Every pilot or other person in charge of a civil aircraft mentioned in the next preceding subsection of this section shall take and subscribe the oath of allegiance to His Majesty and the oath of secrecy contained in Schedule B to these regulations; and refusal to take and subscribe either of such oaths shall be cause for cancellation by the Minister of Transport of the licence or certificate authorizing such person to act as pilot or member of the crew of such aircraft.

17. Every person who operates any civil aircraft otherwise than in accordance with these regulations and any order or direction duly made or given under any of these regulations, shall be deemed to contravene these regulations.

18. Every person who contravenes or fails to comply with any of these regulations, or any order or direction duly made or given under any of these regulations, shall be guilty of an offence and shall be liable on summary conviction



tion to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment, but such person may, at the election of the Attorney General of Canada, be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

19. The Minister of Transport may arrange to warn, in any manner deemed advisable, civil aircraft flying over or across any of the prohibited areas set forth in Schedule A to these regulations that such aircraft are liable to be fired upon by any of His Majesty's Forces, without warning.

20. These regulations shall come into force upon publication thereof in the *Canada Gazette*.

## SCHEDULE A

### LIST OF PROHIBITED AREAS

#### *Nova Scotia*

1. *Nova Scotia:*

The area including the whole of the Province of Nova Scotia and the territorial waters adjacent thereto.

#### *New Brunswick*

2. *Saint John:*

The area within a circle of a radius of 15 miles with centre at King's Square, Saint John, N.B.

#### *Quebec*

3. *Quebec and Valcartier:*

The area within a circle of a radius of 15 miles with centre at Loretteville, Que.

4. *McMasterville:*

The area within a circle of a radius of 3 miles with centre at the railway station.

5. *Brownsburg:*

The area within a circle of a radius of 3 miles with centre at the railway station.

#### *Ontario*

6. *Petawawa:*

The area within a circle of a radius of 8 miles with centre at Camp Headquarters Petawawa Camp.

7. *Lindsay:*

The area within a circle of a radius of 8 miles with centre at Lindsay.

8. *Trenton:*

The area within a circle of a radius of 8 miles with centre at the Headquarters of the R.C.A.F. Station, Trenton, Ontario.

9. *Camp Borden:*

The area within a circle of a radius of 8 miles with centre at the Headquarters of the R.C.A.F. Station, Camp Borden, Ontario.

10. *Nobel:*

The area within a circle of a radius of 3 miles with centre at the railway station.

11. *Niagara Peninsula:*

The area described as follows:—Starting at the mouth of the Niagara River on the south shore of Lake Ontario; thence south along the west shore of the Niagara River to the railway bridge crossing the river at Fort Erie, thence west along the C.N. Railway to an intersection with the Hamilton and Buffalo Railway; thence northerly along the line of the Hamilton and Buffalo Railway to the south shore of Lake Ontario approximately two miles east of Grimsby, thence easterly along the south shore of Lake Ontario to the point of commencement.

*Manitoba*

12. *Shilo:*

The area within a circle of a radius of 8 miles with centre at Camp Shilo, Manitoba.

13. *E. Selkirk:*

The area within a circle of 3 miles with centre at the C.N.R. Railway station.

*Saskatchewan*

14. *Dundurn:*

The area within a circle of a radius of 8 miles with centre at Dundurn, Saskatchewan.

*Alberta*

15. *Kananaskia Forest Camp:*

The area within a circle of a radius of 8 miles with centre at Seebe station, C.P. Railway, Alberta.

*British Columbia*

16. *Kamloops:*

The area within a circle of a radius of 8 miles with centre at Rayleigh Mount Station on C.N.R. 10 miles north of Kamloops, B.C.

17. *Vancouver:*

The area described as follows:—From Point Grey following the north shore of the north arm of the Fraser River to New Westminster, thence along the north shore of the Fraser River to the mouth of the Pitt River, thence northerly along the west shore of the Pitt River and Pitt Lake to the most northerly end of Pitt Lake, thence westerly in line with the most northerly point of Cambier Island to the eastern shore of Howe Sound; thence southerly along the eastern shore of Howe Sound to Atkinson Point, and thence to the point of commencement.

18. *Esquimalt:*

The area described as follows:—Bounded on the north by a line joining the mouth of Jordan River and the southeastern point of Salt Spring Island such line being extended both southwest and northeast so as to cut the International Boundary line in the Straits of Juan de Fuca and in the Gulf of Georgia. Bounded on the west, south and east by the International Boundary line.

19. *James Island:*

The whole of the Island.

20. *Ucluelet:*

The area within a circle of a radius of 8 miles with centre at Headquarters R.C.A.F. base Ucluelet, Vancouver Island, B.C.

21. *York Island:*

The area within a circle of a radius of 8 miles with centre at York Island in Johnstone Strait.

22. *Bella Bella:*

The area within a circle of a radius of 8 miles with centre at the Headquarters of the R.C.A.F. Station, Bella Bella, B.C.

23. *Winter Harbour:*

The area within a circle of a radius of 8 miles with centre at Headquarters R.C.A.F. base Winter Harbour, Vancouver Island, B.C.

24. *Prince Rupert:*

The area within a circle of a radius of 15 miles with centre at C. N. R. dock Prince Rupert, B.C.

25. *Alliford Bay:*

The area within a circle of a radius of 15 miles with centre at Headquarters of the R.C.A.F. base Alliford Bay, Queen Charlotte Islands, B.C.

*Schedule B*

I, (A. B.), solemnly and sincerely swear that I will not, without lawful authority in that behalf, disclose or make known to any person any information, matter or thing which comes to my knowledge by reason of my employment as pilot of any aircraft (or otherwise as the case may be) with respect to any of the prohibited areas set forth in Schedule A to the Defence Air Regulations, 1939, or any prohibited place as defined by The Official Secrets Act, Chapter 49 of the Statutes of 1939, or any other information, matter or thing which might be directly or indirectly useful to a foreign power or which might be used for a purpose prejudicial to the public safety or the safety of the State.

**Order in Council establishing Regulations for discipline—members, Naval, Militia or Air Forces receiving medical care**

P.C. 3988

**AT THE GOVERNMENT HOUSE AT OTTAWA**

**TUESDAY, the 5th day of December, 1939.**

**PRESENT:**

**HIS EXCELLENCY**

**THE GOVERNOR GENERAL IN COUNCIL:**

Whereas by an Order in Council of the 5th October, 1939, P.C. 3004, Regulations were made whereby if, in the opinion of the Medical Officers of the Department of National Defence, a member of the Naval Forces, the Militia or the Air Force of Canada on active service required hospital treatment or institutional care, he would be referred therefor to the Department of Pensions and National Health, and that if whilst receiving such hospital treatment or institutional care under the Department of Pensions and National Health a member of such Forces committed an offence under the law pertaining to the Force to which he belonged, said member would forthwith be reported to such appropriate authority as might from time to time be designated by the Department of National Defence;

And whereas the Minister of National Defence reports that, for the proper maintenance of discipline, it is essential that any of such offences be promptly dealt with, for the delay which would ensue through the disposal of a case being postponed until the offender had been discharged from hospital and returned to his Unit, there to be dealt with, would in the opinion of the Minister of National Defence make it difficult if not impossible to maintain the state of discipline necessary in the hospitals and institutions where treatment and care of members of the Forces is being carried out;



And whereas the Minister of National Defence recommends that suitable provision in this regard should be made;

Now, therefore, His Excellency the Governor General in Council, under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, and notwithstanding the provisions of any other law or regulation, is pleased to make the following Regulations, and they are hereby made and established accordingly:

#### REGULATIONS

1. For the purpose of dealing with an offence under the law relating to the Naval Forces, the Militia or the Air Force of Canada, as the case may be, committed by a member thereof while receiving hospital treatment or institutional care under the control and management of the Department of Pensions and National Health, the Minister of National Defence may appoint any officer of the Naval Forces, the Militia or the Air Force of Canada, as the case may be, who shall with respect to:—

- (a) A member of the Naval Forces of Canada, be deemed to be the officer in command of the ship to which the offender belongs at the time of the trial for the offence.
- (b) A member of the Militia of Canada, be deemed to be the commanding officer of the unit to which the offender belongs, provided that if such officer is not of field rank the powers of a commanding officer exercisable by him shall be as modified by Paragraph 472 (a) (i) of the King's Regulations and Orders for the Canadian Militia.
- (c) A member of the Royal Canadian Air Force of Canada, be deemed to be a commanding officer, provided that if the rank of said officer be of or below that of Flight Lieutenant the powers of a commanding officer exercisable by him shall be such as are under the King's Regulations and Orders for the Royal Canadian Air Force exercisable by a commanding officer of or below the rank of Flight Lieutenant.

2. For the purpose of these regulations,—

- (a) A member of the Naval Forces of Canada receiving hospital treatment or institutional care under the control and management of the Department of Pensions and National Health, shall be deemed to belong to a ship in command of the Officer appointed as aforesaid by the Minister.
- (b) A member of the Militia or of the Air Force of Canada, while receiving hospital treatment or institutional care under the control and management of the Department of Pensions and National Health, shall be deemed to be serving in a Unit of the Militia or the Air Force, as the case may be, under the command of the Militia or Air Force Officer appointed as aforesaid by the Minister.

3. Nothing contained in these regulations shall be construed as affecting or limiting the right of any offender to elect trial by Court Martial to the extent that the laws of the Service to which he belongs so permit, or to vest any Officer of the Naval Forces, the Militia or Air Force of Canada, appointed as aforesaid by the Minister, with powers in excess of those exercisable under the Naval Discipline Act, Military Law or Air Force Law, as the case may be, by an Officer in command of a ship, or by a Commanding Officer, respectively.

4. These regulations shall be deemed to have come into force and effect as of and from the 14th day of November, 1939.

(Sgd.) H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council amending Regulations—Wartime Prices and Trade Board

*Canada Gazette (Extra), 9th November, 1939*

P.C. 3998

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council P.C. 2516 of the 3rd day of September, 1939, the Wartime Prices and Trade Board was constituted to provide safeguards under war conditions against any undue enhancement in the prices of food, fuel and other necessities of life, and to ensure an adequate supply and equitable distribution of such commodities;

And Whereas the Minister of Labour states that the Wartime Prices and Trade Board has reported to him that, from its experience gained and in order effectively to perform its functions, it is desirable in certain respects to amend the Wartime Prices and Trade Board Regulations respecting necessities of life, established by Order in Council P.C. 2516 of the 3rd day of September, 1939, as amended by Order in Council P.C. 2625, of the 9th day of September, 1939, and by Order in Council P.C. 3691 of the 17th day of November, 1939;

That representations have been made by the Attorneys-General of some of the Provinces of Canada and by other law enforcement officers that it is desirable in certain respects to strengthen the Regulations; and

That it is deemed advisable to consolidate the Regulations as amended and, to that end, to rescind the said Regulations and to make and establish Regulations in substitution therefor;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred on the Governor in Council by the War Measures Act and otherwise, is pleased to order as follows:

1. The Wartime Prices and Trade Board Regulations, made by Order in Council, P.C. 2516, of the 3rd day of September, 1939, as amended by Order in Council P.C. 2625 of the 9th day of September, 1939, and by Order in Council P.C. 3691 of the 17th day of November, 1939, are hereby rescinded.

2. The following Regulations are hereby made, established and substituted for the Regulations hereby rescinded.

REGULATIONS RESPECTING NECESSARIES OF LIFE IN TIME  
OF WAR

TITLE

1. These regulations and any amendment or addition thereto may be cited as *The Wartime Prices and Trade Board Regulations*.

INTERPRETATION

2. (1) For the purposes of these regulations, unless the context otherwise requires,

(a) "Board" means the Wartime Prices and Trade Board;



- (b) "licence" means a licence issued by the Board under these regulations;
- (c) "markup" means the amount added to the cost price in figuring a selling price to cover overhead and profit;
- (d) "Member" means a member of the Board;
- (e) "Minister" means the Minister of Labour;
- (f) "necessary of life" means a staple or other ordinary article of food, fuel or clothing, including the products and materials from or of which any thereof are in whole or in part manufactured, produced, prepared or made, and such other articles of any description as the Board may from time to time prescribe;
- (g) "order" means an order of the Board made pursuant to these regulations;
- (h) "regulation" means any of these regulations and any amendment or addition thereto;
- (i) "requirement" means any notification by the Board to any person, pursuant to these regulations, requiring performance by such person of any act.

(2) Every offence against any regulation, order or requirement shall, for the purposes of the Criminal Code, be deemed to be an offence against the Criminal Code.

(3) Unless and until action is taken by the Board under these regulations which conflicts with action taken by a properly constituted authority under or pursuant to a statute of a province or regulations made thereunder, these regulations shall not be construed as being repugnant to or as superseding such provincial statute or regulations.

#### WARTIME PRICES AND TRADE BOARD

3. (1) There shall be a Board to be called the Wartime Prices and Trade Board consisting of five members, of whom one shall be the Chairman, appointed by the Governor in Council to hold office during pleasure.

(2) The Board may establish at any place or places in Canada such office or offices as are required for the discharge of the duties of the Board, and may provide therefor the necessary accommodation, stationery and equipment.

(3) The Board may, with the approval of the Governor in Council, appoint qualified persons, to be known as Administrators, to regulate, under the direction and supervision of the Board, the supply and distribution of specified necessities of life and every such Administrator heretofore or hereafter appointed shall have the powers vested in the Board by paragraph (a) of subsection (1) of Section 4 of these regulations, together with such other powers as the Governor in Council may, from time to time, on the recommendation of the Board, vest in him.

(4) The Board may, subject to the approval of the Governor in Council, appoint such officers, clerks and other persons as may be deemed necessary to assist the Board in the performance of its duties, and every person appointed under this or the next preceding subsection shall receive such remuneration as the Board shall, with the approval of the Governor in Council, determine.

(5) The Board shall hold its sessions and conduct its business and proceedings in such manner as may seem to it most convenient for the speedy and efficient discharge of its duties and may make such rules as may seem expedient for the conduct of its proceedings not inconsistent with the provisions of these regulations.



## POWERS AND DUTIES OF THE BOARD

### 4. (1) The Board shall have power

- (a) to investigate, of its own motion or on complaint, costs, prices, profits and stocks of goods and materials of any person engaged in the manufacture, importation, exportation, production, storage, transportation or sale of any necessary of life or any alleged or apparent offence against any regulation, and for the purpose of any such investigation the Board shall have all the powers of a commissioner appointed under the provisions of the Inquiries Act;
- (b) to inspect and examine any or all books, records and stocks of goods and materials in the possession or control of any person engaged as aforesaid, and to require any such person to produce such books and records at any place before it or before any person appointed by it to investigate, and to take possession of any or all of such books and records;
- (c) to require manufacturers, importers, exporters, producers, jobbers, wholesalers or retailers of or other dealers in a necessary of life to obtain licences from the Board and to issue licences to such persons and to fix the fees payable on account of such licences: Provided, however, that the issue to any person of a licence shall not be deemed to affect the liability of such person to obtain a licence as required by any other statute or law of Canada or any province thereof;
- (d) to suspend or cancel a licence in any case where in the opinion of the Board the licensee has failed to comply with any regulation, order or requirement;
- (e) to fix maximum prices or maximum markups at which any necessary of life may be sold or offered for sale by manufacturers, importers, exporters, producers, jobbers, wholesalers, retailers or other dealers; and any order made pursuant to this regulation shall apply throughout Canada unless otherwise provided therein;
- (f) to fix or limit the quantities of any necessary of life that may be sold or distributed to persons within prescribed periods of time and to prohibit sale or distribution in excess of the quantities so fixed or limited;
- (g) to fix or limit the quantities of any necessary of life that may be bought or sold by any person within prescribed periods of time and to prohibit purchase or sale in excess of the quantities so fixed or limited;
- (h) to buy and sell any necessary of life through agencies designated by the Board;
- (i) to take possession of any supplies of a necessary of life, paying to the owners thereof such price as may, in default of agreement, be decided to be reasonable by the arbitration of a superior court judge of the province in which possession was taken;
- (j) to prohibit the export of a necessary of life except under and in accordance with the terms of a permit granted by the Board;
- (k) to refer to the Attorney-General of any province information respecting any alleged offence against any regulation, order or requirement;
- (l) to require from time to time any person who manufactures, imports, exports, produces, stores or sells any necessary of life to furnish in such form and within such time as the Board may prescribe written returns under oath or affirmation showing such information as the Board may consider necessary with respect to such necessary of life;

(m) to make public their finding or report in the case of any investigation or to withhold such publication if they consider the public interest would be better served by such withholding.

(2) The powers vested in the Board by paragraphs (c), (e), (h), (i) and (j) of the next preceding subsection shall be exercised only subject to the approval of the Governor in Council.

5. Any three members of the Board shall constitute a quorum: Provided, however, that the powers vested in the Board by paragraphs (a) and (b) of subsection (1) or the next preceding section may be exercised by any one member of the Board; and provided further that the Board may appoint one or more persons to conduct investigations and every such person shall be vested with such of the powers aforesaid as the Board may confer on him.

6. The Board shall, in exercising any of the powers vested in it by these regulations, take into consideration the amount of a necessary of life required for the use or consumption of any person in his household or for the ordinary purposes of his business and at what price a necessary of life may be sold to return to the seller a reasonable and fair profit.

7. It shall be the duty of the Board.

- (a) to arrange, wherever possible through existing government agencies, for the assembling of required statistical data in relation to any part of any trade or industry regarding prices, costs, stocks of goods, volume of production, productive capacities, and related matters;
- (b) to refer to the Commissioner of the Combines Investigation Act any information relating to practices which may be violations of the Combines Investigation Act or of Section 498 of the Criminal Code, if, in the opinion of the Board, such practices impede the operation of these regulations;
- (c) to confer with manufacturers, wholesalers and retailers as and when it is considered desirable by the Board with a view to enlisting their co-operation in ensuring reasonable prices, adequate supplies and equitable distribution of the necessities of life;
- (d) to recommend any additional measures it may deem necessary for the protection of the public with respect to necessities of life and in any case where the Board is satisfied that a necessary of life is being sold or offered for sale at a price that is higher than is reasonable and just or is being unreasonably withheld from sale or that the manufacture, production, transportation, sale, supply or distribution of such necessary of life is being unduly prevented, limited or lessened, the Board may recommend that such necessary of life be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Board, give the public the benefit of reasonable competition.

8. All expenses lawfully incurred under these regulations, including travelling expenses of the members of the Board, shall be payable out of moneys provided by Parliament.

#### OFFENCES

9. (1) No person shall sell or offer for sale any necessary of life at a price that is higher than is reasonable and just and in any case where a trader accused under this provision has not kept such books of account as are necessary to exhibit or explain his transactions, the onus shall be upon such accused person to establish that the price is reasonable and just: Provided that if a maximum



price has been fixed by the Board for the sale of such necessary of life, any price in excess of the price so fixed shall be conclusively deemed to be higher than is reasonable and just; and provided further that if a maximum markup has been fixed by the Board for the sale of such necessary of life, any price which includes a markup in excess of the markup so fixed shall be conclusively deemed to be higher than is reasonable and just.

(2) No person shall acquire, accumulate or withhold from sale any necessary of life beyond an amount thereof reasonably required for the use or consumption of his household or for the ordinary purposes of his business.

(3) No person shall unduly prevent, limit or lessen the manufacture, production, transportation, sale, supply or distribution of any necessary of life.

(4) No person shall in any manner impede or prevent or attempt to impede or prevent any investigation or examination instituted by the Board.

(5) No manufacturer, importer, exporter, producer, wholesaler, jobber, retailer or other dealer shall sell or offer for sale or ship, distribute or deal in a necessary of life in respect of which a licence is required unless he has a licence from the Board which is in full force and effect.

#### PENALTIES

10. Any person who contravenes or fails to observe any regulation, order or requirement or makes any false statement in any return made pursuant to any order or requirement shall be guilty of an offence and liable, at the election of the Attorney-General of the province in which the offence is alleged to have taken place, upon indictment or upon summary conviction under Part XV of the Criminal Code to a penalty not exceeding five thousand dollars, or to imprisonment for any term not exceeding two years, or to both fine and imprisonment; and any director or officer of any company or corporation who assents to or acquiesces in any offence by such company or corporation against any regulation or order shall be guilty of such offence personally and cumulatively with the said company or corporation.

11. No prosecution for a contravention or non-observance of any regulation, order or requirement shall be commenced without the written leave of the Board or of the Attorney-General of the province in which the offence is alleged to have been committed.

12. Every order made by the Board shall take effect from a date to be stated therein not earlier than the date of publication in the *Canada Gazette*.

13. These regulations and any order made thereunder shall not apply to any farmer or gardener in respect of any necessary of life produced upon any land cultivated by him.

14. The Board shall report to the Minister as and when required to do so by the Minister.

H. W. LOTHROP,

*Assistant Clerk of the Privy Council.*

Order in Council amending P.C. 2474—Committees of Cabinet Constituted  
P.C. 4017½

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th December, 1939.*

The Committee of the Privy Council have had before them a report, dated 5th December, 1939, from the Right Honourable W. L. Mackenzie King, the Prime Minister, stating:—



That prior to the existence in Canada of a state of war, namely on August the 30th, 1939, and in order to provide for a proper distribution of work and an effective allocation of duties in the emergency then existing, certain Committees of the Cabinet were constituted by Order in Council (P.C. 2474) for the specific purposes and with the personnel set forth in the said Order in Council; and

That in view of the developments which have taken place since the date of the said Order in Council, a reorganization of the duties and personnel of the said Committees has become advisable, in order to provide more effectively for the conduct of all phases of Canada's war effort and for the efficient co-ordination of the various activities of government, related thereto.

The Committee, therefore, on the recommendation of the Prime Minister, advise:

1. That Order in Council (P.C. 2474) of August the 30th, 1939, constituting the various Committees of the Cabinet, to which reference has been made above, be hereby repealed; the duties of the said Committees to be assumed by the Committees hereinafter provided.

2. That the following Committees of the Cabinet be constituted forthwith, with the designations, and for the specific purposes hereinafter set forth:

(1) *War Committee*

To consider questions of general policy, to consider reports from special and other committees; and to co-ordinate war activities; the said Committee to have power to call before it any official or employee of the government, and any officer of the Naval, Military or Air Forces of Canada, whose duty it shall be to render the Committee assistance in the discharge of its duties, and, in particular, to accord the Committee information upon any subject concerning which information may be requested.

(2) *Committee on War Finance and Supply*

To consider matters in any way relating to war finance, including credits, loans, and foreign exchange; also to consider matters relating to the production and distribution of war supplies (other than food and fuel products), the mobilization of industry, the construction of buildings, and the provision of equipment and munitions.

(3) *Committee on Food Production and Marketing*

To consider matters relating to the production in Canada and marketing by or for producers of foodstuffs of all kinds.

(4) *Committee on Fuel and Power*

To consider matters relating to fuel and power resources, and the conservation, import and export of fuel and power.

(5) *Committee on Shipping and Transportation*

To consider matters relating to shipping and transportation arising out of the war.

(6) *Committee on Price Control and Labour*

To consider matters relating to the movement of wholesale and retail commodity prices; the distribution of consumer's goods; the cost of living; and labour relations.

(7) *Committee on Internal Security*

To consider matters relating to the maintenance of public safety and order in wartime, and relations with the provinces incident thereto.

(8) *Committee on Legislation*

To examine the form and content of all recommendations to Council under the War Measures Act, to ensure regularity of procedure in respect to the same; to co-ordinate Orders in Council passed under the War Measures Act; and to examine all war legislation proposed for submission to Parliament.

(9) *Committee on Public Information*

To consider matters relating to censorship, governmental publicity, and voluntary civilian service.

The Committee, on the recommendation of the Prime Minister, further advise that the said Committees of the Cabinet shall consist of the following:

(1) *War Committee*

Prime Minister (Convener)  
Leader of the Government in the Senate  
Minister of Justice  
Minister of Finance  
Minister of National Defence  
Minister of Mines and Resources

(2) *Committee on War Finance and Supply*

Minister of Finance (Convener)  
Minister of National Revenue  
Minister of National Defence  
Minister of Public Works  
Minister of Transport  
Minister of Agriculture

(3) *Committee on Food Production and Marketing*

Minister of Agriculture (Convener)  
Minister of Trade and Commerce  
Minister of Fisheries  
Minister of Mines and Resources  
Minister of Finance  
Honourable J. A. MacKinnon

(4) *Committee on Fuel and Power*

Minister of Mines and Resources (Convener)  
Minister of Trade and Commerce  
Minister of Transport  
Minister of National Revenue  
Honourable J. A. MacKinnon

(5) *Committee on Shipping and Transportation*

Minister of Transport (Convener)  
Minister of Trade and Commerce  
Minister of Labour  
Minister of National Defence

(6) *Committee on Price Control and Labour*

Minister of Labour (Convener)  
Minister of Trade and Commerce  
Minister of National Revenue  
Minister of Public Works  
Minister of Agriculture  
Minister of Fisheries.

(7) *Committee on Internal Security*

Minister of Justice (Convener)  
Secretary of State  
Minister of National Defence  
Minister of Pensions and National Health  
Honourable J. A. MacKinnon.

(8) *Committee on Legislation*

Postmaster General (Convener)  
Minister of National Revenue  
Minister of Justice  
Minister of Pensions and National Health.

(9) *Committee on Public Information*

Minister of Labour (Convener)  
Postmaster General  
Minister of National Defence  
Secretary of State  
Honourable J. A. MacKinnon

All of which is respectfully submitted for Your Excellency's approval.

H. W. LOTHROP

*Assistant Clerk of the Privy Council*

Order in Council approving financial Regulations re C.A.S.F. overseas

P.C. 4022

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by his Excellency the Governor General on the 5th December, 1939.*

The Committee of the Privy Council have had before them a report, dated 27th November, 1939, from the Minister of National Defence, representing that by Order in Council P.C. 2434, dated 31st August, 1939, approval was given to Regulations governing the Pay and Allowances of the Canadian Active Service Force in Canada.

The Minister states that it is now necessary to make special provision for the Pay and Allowances and other emoluments, whether in money or kind to be paid or issued to or in respect of the Canadian Active Service Force, Overseas.

The Minister, therefore, recommends that the attached Financial Regulations and Instructions for the Canadian Active Service Force, Overseas, wherein the basic rates of pay are the same as those which have already been approved for the Canadian Active Service Force in Canada, any other changes between the two sets of regulations being mainly differences in Method and Administration, be approved, effective on and from the first day of November, 1939.

The Committee submit the same for approval accordingly.

H. W. LOTHROP

*Assistant Clerk of the Privy Council*

NOTE: "Financial Regulations and Instructions for the Canadian Active Service Force (Overseas)" printed by King's Printer.



Order in Council authorizing enlistment for sedentary clerical duties

P.C. 4024

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that it would make for efficiency if men could be enlisted in the Canadian Active Service Force for employment on sedentary clerical duties for which their previous military experience has fitted them, notwithstanding that they are over the age limit of 45 years which is laid down by the King's Regulations and Orders for the Canadian Militia, 1939;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is hereby pleased, notwithstanding anything to the contrary contained in the King's Regulations and Orders for the Canadian Militia, 1939, to authorize the enlistment, in the Active Militia for employment on sedentary clerical duties in the Canadian Active Service Force, of men as aforesaid, subject to the approval of the Adjutant-General in each case.

H. W. LOTHROP

*Assistant Clerk of the Privy Council*

*Canada Gazette, 5th December, 1939*

REGULATION OF THE FOREIGN EXCHANGE CONTROL BOARD

*Certified Extract from the Minutes of a Meeting of the Foreign Exchange Control Board, held at Ottawa, the 1st day of December, A.D. 1939.*

On motion duly made and seconded, the following Regulation numbered 43 was passed and enacted:

43. (a) Any resident who owns or controls property physically situate outside Canada which produces revenue in a foreign currency and which gives rise to foreign currency expenses may apply to the Board for permission to operate a foreign currency bank account on the understanding that, if such application is approved,

- (i) All revenue from such property will be deposited in such account.
- (ii) No withdrawals shall be made from such account except for the purpose of meeting expenses of the resident arising by reason of the ownership or control of such property,
- (iii) Any net revenue from such property will be declared on Form C and offered for sale to the Board at intervals to be stated in the permit to operate such account, and
- (iv) A copy of the statement of such account and other relevant details will be submitted to the Board at the end of each six months' period after the opening of such account or at any other time if required by the Board.

(b) The application to operate such a foreign currency bank account shall give full particulars of the property (including an estimate of its current value) and of the revenue and expenses relating thereto. If permission is granted, the applicant will be given a registration number bearing the prefix FP. The permit will relate only to revenue and expenses as set forth in the application.

(c) If the revenue from such property is insufficient to meet the expenses thereof, the applicant may deposit in and disburse from such foreign currency bank account foreign exchange purchased from the Board for such purpose.

Certified to be a true copy.

D. GORDON,  
*Chairman (Alternate).*

**Order in Council constituting Special Committee of Cabinet on  
Demobilization**

P.C. 4068½

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 8th December, 1939.*

The Committee of the Privy Council have had before them a report, dated December 7th, 1939, from the Right Honourable W. L. Mackenzie King, the Prime Minister, representing, with the concurrence of the Ministers of Pensions and National Health and National Defence, that it is expedient that early and thorough consideration be given to questions which will arise from the demobilization and the discharge from time to time during and after the conclusion of the present war of members of the Forces.

The Committee, therefore, on the recommendation of the Prime Minister, advise that there be hereby constituted a special Committee of the Cabinet composed of the following members, namely:

The Minister of Pensions and National Health (Convener),  
The Minister of Public Works,  
The Minister of National Defence,  
The Minister of Agriculture,  
The Minister of Labour,  
The Honourable J. A. MacKinnon,

and that the duties of such Committee shall be to procure information respecting and give full consideration to and report regarding the problems which will arise from the demobilization and the discharge from time to time of members of the Forces during and after the conclusion of the present war, and the rehabilitation of such members into civil life, and in that connection, but without in any way restricting the generality of the foregoing

(a) to consider the adequacy, adaptability and full utilization of the existing governmental machinery which is available to deal with such problems either separately or in conjunction with other activities, and particularly the Department of Pensions and National Health, the Department of Labour, the Canadian Pension Commission, the War Veterans' Allowance Board, and the Civil Service Commission;

(b) to consider the necessity or advisability of any expansions or additions or readjustments which may seem to be advisable in connection with any of the activities of such Departments or agencies;

(c) to appoint Advisory Committees selected from the personnel of Government Departments or agencies;

(d) to consult from time to time Provincial and Municipal Governments and public service organizations and Canadian citizens interested in such problems;

(e) to make recommendations as to the organization and composition of representative national and local Committees to co-operate with the Government in meeting the problems of rehabilitation and re-establishment;

(f) generally to procure information respecting and give full consideration to the problems above mentioned and the formulation of preparatory plans in connection therewith; and

(g) to submit from time to time to the Governor in Council such reports respecting the information received and consideration given and the plans formulated as may seem to the Committee advisable to keep the Governor in Council informed in respect thereto.

The Committee further advise that, for the aforementioned purposes, the said Committee of the Cabinet shall, subject to the approval of the Governor General in Council, have power to engage and remunerate such officers, clerks and employees as may in their view be necessary, and that all expenditures incurred by the Committee be charged to funds provided under the War Appropriation Act.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

### Order in Council setting up Bacon Board

*Canada Gazette, 23rd December, 1939*

P.C. 4076

### AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 13th day of December, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Agriculture reports that the Governments of Canada and the United Kingdom have agreed on arrangements for the delivery, at Canadian seaboard ports, to the United Kingdom Ministry of Food, of bacon and hams during the period November 17th, 1939, to October 31st, 1940, at a flat price per long hundredweight of \$20.18, F.O.B. Canadian Seaboard for Grade A bacon, with relative prices for other pork products;

That the Government of the United Kingdom have intimated that they are prepared to accept delivery at these prices of Canadian bacon up to a weekly average of 50,000 long hundredweight and such additional quantities as may be available for export from Canada up to the limit of their needs; and

That it will therefore be necessary, in order to insure that regular and sufficient supplies will be available for export as required and that satisfactory prices will be paid to hog producers, to control the marketing of bacon and other pork products and to store bacon or other pork products produced during seasons of heavy hog marketing to supplement supplies of seasons of light hog marketing;



Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under and by virtue of the powers conferred by the War Measures Act or otherwise, is pleased to make the following Regulations and they are hereby made and established accordingly:

*Regulations respecting the marketing and export of Bacon and Other Pork*

*Products*

1. These Regulations and any amendment and addition thereto may be cited as The Bacon Regulations.

*Interpretation*

2. For the purposes of these Regulations, unless the context otherwise requires,

- (a) "bacon" means all cured pork products;
- (b) "Board" means the Bacon Board;
- (c) "licence" means a licence issued by the Board under these Regulations;
- (d) "Minister" means the Minister of Agriculture;
- (e) "order" means an order of the Board made pursuant to these Regulations;
- (f) "packer" means any commercial slaughterer of hogs operating under inspection by authority of the Minister under the Meat and Canned Foods Act;
- (g) "regulation" means any of these regulations and any amendment or addition thereto;
- (h) "requirement" means any notification by the Board to any person, pursuant to these Regulations, requiring performance by such person of any act.

*Bacon Board*

3. (1) There shall be a Board to be called the Bacon Board consisting of three members, of whom one shall be Chairman, appointed by the Governor in Council to hold office during pleasure. The Chairman and other members of the Board shall be paid respectively such salaries or other remuneration as may be fixed by the Governor in Council.

(2) If any member is unable at any time by reason of absence, incapacity or other inability to perform the duties of his office, the Minister may appoint temporarily a substitute member upon such terms and conditions as he may determine.

(3) An officer of the Department of Agriculture may be designated by the Governor in Council as Secretary-Manager of the Board.

(4) The Board may establish at any place or places in Canada such office or offices as are required for the discharge of the duties of the Board, and may provide therefor the necessary accommodation, supplies and equipment.

(5) The Board may, subject to the approval of the Governor in Council, appoint such officers, clerks and other persons as may be deemed necessary to assist the Board in the performance of its duties, and such persons shall receive such remuneration as the Board shall, with the approval of the Governor in Council, determine.

(6) Two members of the Board shall form a quorum, and the concurrence of at least two members shall be necessary for the execution of any act by the Board and the act of two of its members shall be deemed to be an act of the Board.

(7) Members of the Board as well as officers, clerks and other employees of the Board shall be entitled to receive and to be paid their actual reasonable disbursements for travelling expenses necessarily incurred by them in connection with the discharge of their duties.

(8) The headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or at such other place as the Chairman of the Board may decide.

(9) Every member of the Board, upon appointment to office, shall take and subscribe before the Clerk of the Privy Council the following oath:

I, ....., solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as Chairman (or as member) of the Bacon Board.

So help me God.

#### *Powers of the Board*

4. (1) The Board shall have power

(a) to regulate the export of bacon and other pork products to Great Britain pursuant to the agreement made between the Governments of Canada and the United Kingdom and to that end to arrange with or require any packer to ship and deliver bacon or other pork products of the quantity and quality specified in such arrangement or requirement to the United Kingdom Ministry of Food at seaboard ports in Canada.

(b) to require any packer to store for future curing and delivery to the United Kingdom Ministry of Food such pork as the Board unanimously determines shall be necessary to satisfy future requirements of the aforesaid Ministry of Food under the agreement with the Government of Canada.

(c) to determine the prices which shall be paid to packers for bacon and other pork products delivered in accordance with requirements of the Board:

Provided that in the case of pork stored in accordance with the requirements of the Board the price to be paid for bacon made from such pork shall not exceed the price of bacon at the time the pork was taken into store plus carrying and storage charges approved by the Board; and provided further that in determining the prices which shall be paid for bacon and other pork products delivered as required by the Board and in requiring packers to store pork and in exercising all or any of its other powers it shall be the duty and responsibility of the Board to have regard to the present and future conditions of the bacon market and the undertakings and needs of the Government of the United Kingdom under its agreement with the Government of Canada and to ensure that the prices to be paid to the packers and all other expenditures or liabilities incurred or to be incurred in respect of such bacon and other pork products delivered as aforesaid (administrative expenses of the Board excepted) shall be fully covered by and met out of the amount to be paid by the Government of the United Kingdom under the agreement aforesaid.

(d) in determining prices to be paid packers as herein—before provided to establish differentials in prices that will be paid for official grades, selections and weights of bacon and other pork products.

(e) to requisition cheques to be drawn against the Fund hereinafter referred to for the payment of bacon and other pork products delivered pursuant to the requirements of the Board.

(f) to inspect bacon and other pork products delivered or to be delivered pursuant to requirements of the Board and to reject any such products which do not conform to the required quality or standard.



(g) to require any packer to give priority to the processing and delivery of bacon or other pork products to be delivered pursuant to a requirement of the Board.

(h) to fix the minimum price to be paid by packers for hogs.

(i) to consult from time to time with any advisory committee that may be named by the Governor in Council on the recommendation of the Minister to assist the Board.

(j) to require any person producing, dealing in or having control of any bacon or other pork products or accommodation suitable for storage thereof to make periodical or other returns at such times and containing such particulars as the Board may require.

(k) to make arrangements with the United Kingdom Ministry of Food with respect to minor or incidental adjustments of prices and quantities of bacon or other pork products to be delivered to the aforesaid Ministry of Food under its agreement with the Government of Canada.

(l) to order that packers shall obtain licences from the Board and to issue licences to such persons upon such terms and conditions to be fixed by the Board and to fix the fees payable on account of such licences; Provided, however, that the issue to any person of a licence shall not be deemed to affect the liability of such person to obtain a licence as required by any other statute or law of Canada or any province thereof.

(m) to incur, out of monies provided by Parliament, expenditures for the maintenance of offices, for salaries and travelling expenses of members and appointees of the Board, for travelling expenses of members of any advisory committees named by the Governor in Council and of persons whose services may be temporarily required.

(n) to make such rules as may seem expedient for the conduct of its business and proceedings not inconsistent with the provisions of these regulations.

(2) Upon receipt of a requirement of the Board to store pork as hereinbefore provided a packer shall comply with such requirement according to the terms thereof and shall be entitled to be required to deliver such pork properly cured to the United Kingdom Ministry of Food.

(3) Upon receipt of a requirement of the Board to deliver bacon as hereinbefore provided a packer shall comply with such requirement according to the terms thereof and subject as hereinafter provided in paragraph (2) of clause 5 shall be entitled to be paid therefor at the price or prices determined by the Board in accordance with these Regulations.

5. (1) There shall be a special account in the Consolidated Revenue Fund called the Bacon Export Fund, referred to in these Regulations as "the Fund" to which the Minister of Finance shall from time to time credit all moneys received from the United Kingdom Ministry of Food for the purchase of bacon and other pork products.

(2) The Minister of Finance may, subject to the provisions of these regulations, on the requisition of the Board, pay out of the Fund and to the extent only of the Fund sums necessary to compensate packers for bacon and other pork products delivered by them pursuant to the requirements of the Board, but no other payment shall be made a charge on the Fund.

6. No information with respect to the business of any person, which has been obtained under or by virtue of these Regulations, shall be disclosed without the consent of the person carrying on that business: Provided that nothing in this sub-section shall apply to the disclosure of any information,—



- (a) to a Government Department or any person authorized by a Government Department requiring such information for the purpose of the discharge of the functions of that Department; or
- (b) for the purposes of any prosecution for an offence under these Regulations.

7. The Board shall maintain complete and accurate records of all its transactions and the Minister of Finance may at any time by means of an officer of his Department inspect such records.

8.(1) Any packer or other person who

- (a) fails to make any return which he is required by the Board to make; or
- (b) knowingly makes any untrue statement in any such return; or
- (c) without reasonable excuse fails to comply with any order or requirement of the Board; or
- (d) fails to produce to any person authorized for the purpose by the Minister of Finance or the Board any books or documents of any description; or
- (e) exports or attempts to export bacon or other pork products to the United Kingdom in contravention of any order of the Board; or
- (f) purchases any hogs at prices less than the minimum price fixed by the Board; or
- (g) discloses information contrary to these Regulations; or
- (h) operates or carries on any business in respect of which a licence is required unless he has a licence from the Board which is in full force and effect;
- (i) commits any act or deed in contravention of these Regulations not hereinbefore specified, shall be guilty of an offence under these Regulations and shall be liable on summary conviction to a fine not exceeding \$500 and if he be convicted in respect of a failure to make a return as required by paragraph (a) hereof and the failure continues after the conviction, he shall be liable on summary conviction to a fine not exceeding \$200 for each day on which such failure continues, not, however, exceeding a total of \$5,000.

(2) Where any offence under these Regulations, committed by a body corporate, is proved to have been committed with the consent or connivance of any Director, Manager, Secretary or other officer of the Body corporate, he, as well as the body corporate, shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

9. These Regulations shall come into force on the date of approval and any subsequent regulation or any amendment or repeal of any Regulation shall come into force upon publication in the Canada Gazette.

(2) Any order of the Board shall be effective from the date of publication in the Canada Gazette.

10. The Board shall report to the Minister as and when required to do so by the Minister.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council*

Order in Council approving financial Regulations—R.C.A.F.

P.C. 4120

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th December, 1939.*

The Committee of the Privy Council have had before them a report dated 11th December, 1939, from the Minister of National Defence, representing that it is necessary to make special provision for the pay and allowances and other emoluments, whether in money or kind, to be paid or issued to or in respect of officers and airmen of the Royal Canadian Air Force who are from time to time placed on Active Service, and for such officers and airmen of the Royal Canadian Air Force who have been, or may hereafter be, called out by the Minister of National Defence for Air Force duty pursuant to the Regulations made in that behalf.

The Committee, therefore, on the recommendation of the Minister of National Defence, submit for Your Excellency's approval the attached Financial Regulations and Instructions for the Royal Canadian Air Force on Active Service (Canada), the same to be effective as of and from the First day of September, 1939.

(Sgd.) H. W. LOTHROP

*Assistant Clerk of the Privy Council.*

NOTE: "Financial Regulations and Instructions for the Royal Canadian Air Force on Active Service (Canada)" Printed by King's Printer.

Order in Council establishing Regulations—Discipline among and treatment of Prisoners of War

P.C. 4121

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 13th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State of Canada, with the concurrence of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act or law, is pleased to make the attached "Regulations governing the maintenance of discipline among and treatment of Prisoners of War" and they are hereby made and established accordingly; the said Regulations to have force and effect as of and from the first day of December, 1939.

(Sgd.) H. W. LOTHROP

*Assistant Clerk of the Privy Council.*

NOTE: "Regulations governing the maintenance of discipline among and treatment of Prisoners of War" printed by King's Printer.

Order in Council authorizing reduction in rank of Warrant Officers and  
non-commissioned Officers

P.C. 4122

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 13th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that in many Units, Formations and Detachments of the Active Militia on active service, Warrant Officers and Non-Commissioned Officers of the Permanent Force will be serving together with Warrant Officers and Non-Commissioned Officers of the Non-Permanent Active Militia;

That under the King's Regulations and Orders for the Canadian Militia the reduction in rank of Warrant Officers and Non-Commissioned Officers of the Permanent Force is carried out under a procedure differing from that prescribed by the said King's Regulations and Orders for the reduction in rank of Warrant Officers or Non-Commissioned Officers of the Non-Permanent Active Militia; and

That in the opinion of the Minister of National Defence the exigencies of the Service require that there be a uniform procedure governing the reduction in the rank or appointment with respect to all Warrant Officers and Non-Commissioned Officers of the Active Militia serving on active service;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the provisions of the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, and notwithstanding the provisions of any other Act or Regulation, is pleased to make the following Regulations and they are hereby made and established accordingly:

REGULATIONS

(1) Paragraphs 327 to 330, both inclusive, of King's Regulations and Orders for the Canadian Militia, 1939, will, subject to the following modifications, apply to such parts of the Active Militia as have been placed on active service:—

- (a) The powers exercisable by the Adjutant-General under paragraph 328 (a) may, in respect of personnel serving on active service outside of Canada, be exercised by any general officer or brigadier whom the Minister of National Defence appoints for that purpose.
- (b) The powers exercisable by a District Officer Commanding under paragraph 328 (c) may, in respect of personnel serving on active service outside of Canada, be exercised by any general officer or brigadier whom the Minister of National Defence appoints for that purpose.
- (c) With respect to personnel serving on active service outside of Canada, the application for authority to reduce, referred to in paragraph 329 (a) will be made to the appropriate Canadian headquarters.



(2) Paragraphs 331, 332 and 333 of the said King's Regulations and Orders for the Canadian Militia, 1939, will not apply to such parts of the Active Militia as have been placed on active service.

These Regulations shall be deemed to have come into force and effect as of and from the 1st day of September, 1939.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council.*

**Order in Council authorizing free postage of correspondence by members  
of Overseas Forces**

P.C. 4129

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 20th December, 1939.*

The Committee of the Privy Council have had before them a report, dated December 18th, 1939, from the Postmaster-General, representing that authority was given by Order in Council, P.C. 2007, of the 20th July, 1917, for the delivery free of charge of letters for Canada posted by members of the Overseas Forces in Great Britain, France, Flanders or elsewhere, when bearing the stamp of the Orderly Room or other indication of having been sent by soldiers;

That this authority was extended by Order in Council, P.C. 2478, of the 7th October, 1918, to permit the free delivery of unpaid letters recognizable as originating from Officers and men serving on His Majesty's ships or Allied warships;

That the authority conveyed by the above Orders in Council lapsed on the conclusion of the Great War of 1914-18; and

That a similar privilege should be authorized during the present War.

The Committee, on the recommendation of the Postmaster-General advise that, under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding anything to the contrary contained in any other Act or Regulation, authority be given to forward to destinations in Canada and deliver free of postage all correspondence posted by British, Dominion, Colonial and Allied soldiers on active service abroad and by Officers and men serving on His Majesty's ships or Allied warships.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council.*

Order in Council amending regulations of Bacon Board

*Canada Gazette, 6th January, 1940*

P.C. 4248

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas "Regulations respecting the marketing and export of Bacon and Other Pork Products" were established by Order in Council P.C. 4076 of December 13th, 1939;

And whereas the said Regulations provide that "there shall be a Board to be called the Bacon Board consisting of three members";

And whereas the Minister of Agriculture reports that it is desirable and expedient that the said Board be increased from three to four members;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to amend and doth hereby amend the said Regulations by deleting therefrom sub-clause (1) of clause 3 and by substituting in lieu thereof the following:—

3. (1) There shall be a Board to be called the Bacon Board consisting of four members, of whom one shall be Chairman, appointed by the Governor in Council to hold office during pleasure. The Chairman and other members of the Board shall be paid respectively such salaries or other remuneration as may be fixed by the Governor in Council.

(Sgd.) H. W. LOTHROP

*Assistant Clerk of the Privy Council.*

Order in Council setting up Canadian Shipping Board

P.C. 4251

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of December, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas there has been laid before His Excellency the Governor General in Council, a report from the Minister of Trade and Commerce, representing, with the concurrence of the Secretary of State and External Affairs, the Minister of National Defence, the Minister of National Revenue, and the Minister of Transport,—

1. That section 3 of the War Measures Act provides, inter alia, that the Governor in Council may make such orders and regulations as he may by reason of the existence of war or emergency deem necessary or advisable for the

security, defence, peace, order and welfare of Canada, and that for greater certainty but not so as to restrict the generality of the foregoing the powers of the Governor in Council shall extend to.

Transportation by land, air, or water and the control of the transport of persons and things, and to

Trading, exportation, importation, production and manufacture.

2. That if Canada is to make its maximum contribution to the prosecution of the war, it is essential to maintain the financial strength of the Dominion.

3. That the financial stability of Canada depends vitally upon the maintenance of an extensive export trade.

4. That owing to the requisition of shipping of British registry by His Majesty's Government in the United Kingdom and to other causes, it has been found difficult and in certain cases impossible to obtain ocean transportation for Canadian exports.

5. That it is not possible through existing facilities to present the requirements of Canadian shippers effectively to the United Kingdom authorities.

6. That some of the difficulties now being encountered by Canadian exporters might be alleviated by,

- (a) arranging with the United Kingdom authorities to release tonnage for the carriage of Canadian exports;
- (b) securing more effective control of Canadian registered ships;
- (c) the inducement of neutral ships, through transfer of registry or otherwise, to engage in the carriage of goods from Canadian ports.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, with the concurrence of the Secretary of State for External Affairs, the Minister of National Defence, the Minister of National Revenue and the Minister of Transport, and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order that a Board to be known as "The Canadian Shipping Board" be and it is hereby established.

His Excellency in Council, on the same recommendation and under the authority cited above, is further pleased to order that the constitution, powers, duties and regulations under which the said Board shall act shall be as follows:

1. Unless the context hereof otherwise requires:

- (a) "Board" means the Canadian Shipping Board;
- (b) "Director" means the Director of Shipping;
- (c) "Minister" means the Minister of Trade and Commerce;
- (d) "Transport Controller" means the Transport Controller appointed under the provisions of Order in Council, P.C. 3677, of the 15th day of November, 1939.

2. (1) There shall be a Board to be known as the Canadian Shipping Board, which shall consist of a Chairman, the Director, the Transport Controller and five members, who shall hold office during pleasure.

(2) The Chairman of the Board shall be appointed by the Governor in Council on the recommendation of the Minister, and one member from each



of the following departments, namely, Trade and Commerce, External Affairs, National Defence, National Revenue, and Transport, shall be appointed from the officers of the staffs of the respective departments by the Minister on the recommendation of the Ministers of the respective departments.

(3) Where for any reason any member is unable to act on the Board, a substitute member may be appointed to replace such member in the same manner in which the member to be replaced was originally appointed to the Board.

(4) The Board may appoint two representatives in the United Kingdom, one of whom shall be a member of the staff of the Department of Trade and Commerce, and one of whom shall be a member of the staff of the Department of External Affairs.

(5) Four members of the Board shall form a quorum and the concurrence of at least four members shall be necessary for the execution of any act by the Board, and the act of four of its members shall be deemed to be an act of the Board.

(6) Members of the Board shall be entitled to receive and be paid their actual disbursements for living expenses necessarily incurred by them while absent from Ottawa in connection with the discharge of their duties.

(7) The headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or at such other place as the Chairman of the Board may decide.

(8) Every member upon appointment to office shall take and subscribe before the Clerk of the Privy Council an oath which shall be filed in the office of the said Clerk in the following form:

"I.....solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as Chairman (or as member) of the Canadian Shipping Board."

(9) The Board, with the approval of the Minister, may make by-laws, not inconsistent with the provisions hereof, for the direction, conduct and government of its business.

3. (1) The powers and duties of the Board shall be:

- (a) to carry out the functions of the Licensing Board appointed by the Minister of Transport under the authority of Order in Council, P.C. 2524, of the 5th September, 1939, and after the coming into force of this Order the said Order in Council, P.C. 2524, shall be amended by deleting therefrom references to the "Licensing Board" and substituting therefor wherever these words appear in the said Order, the words "Canadian Shipping Board";
- (b) to deal with all applications for transportation and priority of movement with respect to the transport of materials and supplies, other than those consigned to the Government of the United Kingdom or of any other power, by sea between ports in Canada, or between ports in Canada and ports in the United Kingdom, or in any other of His Majesty's dominions, or in any other state;
- (c) to recommend to the departments concerned, or to the Governor in Council, policies or specific measures designed to assist in providing ocean transport for Canadian export trade;
- (d) through its representatives in London to keep in close and constant contact with the United Kingdom Ministry of Shipping for the purpose of securing the fullest possible co-operation of the United Kingdom authorities towards meeting the needs of Canadian export trade.

(2) The Board shall exercise the powers given to the Minister of Transport by Regulation 44 of the Defence of Canada Regulations, established under the authority of Order in Council, P.C. 2483, of the 3rd day of September, 1939, and wherever in the said Regulation 44 the words "Minister of Transport" or "Minister" appear, there shall be substituted therefor the words "Canadian Shipping Board" or "Board," as the case may be.

4. The Board, with the approval of the Governor in Council on the recommendation of the Minister, may employ such professional, technical and other officers, clerks and employees as it may deem necessary for the proper conduct of its business, and with such approval may fix their remuneration.

5. There shall be a director of Shipping who shall be the Chief Executive Officer of the Board and responsible to it, who shall be appointed by the Governor in Council on the recommendation of the Board and paid such salary as the Governor in Council may determine.

6. The Director, in carrying out the duties imposed on him by these Regulations, shall at all times be under and subject to the directions of the Board, and shall

- (a) carry out all instructions he may receive from the Board;
- (b) keep under close survey the immediate and prospective ocean transport requirements of Canadian trade;
- (c) deal with such applications as may from time to time be made for transportation and priority of movement with respect to the transport of materials and supplies, other than those consigned to the Government of the United Kingdom or of any other power, by sea between ports in Canada, or between ports in Canada and ports in the United Kingdom, or in any other of His Majesty's dominions, or in any state;
- (d) co-operate with the Transport Controller to the end that internal and external freight traffic may be most effectively and efficiently co-ordinated.

7. All persons or parties, agencies, organizations or associations in any manner whatsoever interested in or concerned with the transportation by sea of materials and supplies, other than those consigned to the Government of the United Kingdom or of any other power, and all owners or charterers of British ships registered in Canada in which cargo space for transportation by sea may be required, shall in all matters act upon and in accordance with the orders issued by the Director acting under the authority of the Board.

8. (1) Every person who contravenes or fails to comply with any of these Regulations, or any order, rule, by-law or direction, made or given under any of these Regulations, shall be guilty of an offence and shall be liable on Summary Conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment; but such person may, at the election of the Attorney General of Canada be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

(2) Where the person guilty of an offence against any of these Regulations is a company, corporation, agency, organization or association, every person who at the time of the commission of the offence was a director or officer of the company, corporation, agency, organization or association shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence.



9. Order in Council, P.C. 3677, of the 15th day of November, 1939, is hereby amended by striking out in the third paragraph of the preamble the following words "between points or places in Canada and points or places in the United Kingdom or any other of His Majesty's dominions or any allied state," and by striking out the said words where they appear at the end of section 1 of the said Order.

10. These Regulations shall come into force on a day to be fixed by proclamation of the Governor in Council published in the *Canada Gazette*.

11. The Board shall report to the Governor in Council through the Minister.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

Order in Council designating certain persons living in neutral countries—  
enemies

P.C. 4262

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 20th December, 1939.*

The Committee of the Privy Council have had before them a report, dated 19th December, 1939, from the Secretary of State for External Affairs, representing, with the concurrence of the Acting Secretary of State of Canada and of the Minister of National Revenue:

That the Government of the United Kingdom have, from time to time, published lists of persons resident in neutral countries, who are deemed to enemies within the meaning of the United Kingdom Trading With the Enemy Act; and

That, for the more effectual enforcement of the Trading with the Enemy Regulations (1939) and of similar War Measures, it is expedient that provision should be made for the identification of persons in neutral countries who have an enemy character.

The Minister, therefore, with the concurrence as aforesaid, recommends that the Secretary of State for External Affairs, with the concurrence of the Secretary of State of Canada and of the Minister of National Revenue, be authorized to publish from time to time, the names of specified persons having an enemy character who shall be deemed to be enemies for the purposes of the Trading with the Enemy Regulations (1939) and of similar War Measures.

The Committee concur in the foregoing recommendation and advise that the requisite authority be granted accordingly.

(Sgd.) H. W. LOTHROP  
*Assistant Clerk of the Privy Council*



Order in Council amending Bacon Board Regulations

*Canada Gazette, 13th January, 1940*

P.C. 4353

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council P.C. 4076 of the 13th December, 1939, regulations were made under the authority of the War Measures Act establishing a Bacon Board to ensure regular and sufficient supplies of bacon for export to the United Kingdom and to control the marketing of bacon and other pork products;

And whereas the Minister of Agriculture reports that it is desirable and expedient to amend the said regulations so as to provide that the exercise of the powers of the said Board shall be subject to the approval of the Minister;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to amend the said regulations and they are hereby amended by deleting the words: "The Board shall have power" in Clause 4 (1) thereof, and substituting therefor the following:

"4. (1) The Board shall have power, subject to the approval of the Minister,"

(Sgd.) H. W. LOTHROP

*Assistant Clerk of the Privy Council*

Order in Council making Regulations—marketing Nova Scotia apples

*Canada Gazette, 13th January, 1940*

P.C. 4355

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas His Majesty the King in the right of Canada has, as a war measure, entered into agreements with manufacturers (processors of apples) for the conservation of surplus apples grown in Nova Scotia in the year 1939 by processing the same and with the Nova Scotia Apple Marketing Board Limited whereby the said Board is to act as the Central Selling Agency for the marketing of apples on the basis that the Central Selling Agency shall conduct a pool for the equalization of returns to growers;

And whereas the Minister of Agriculture reports that it is of the utmost importance in the carrying out of this scheme that all growers should participate therein to the full extent of apples marketed by them and should pool receipts so that returns to the said growers may be equalized; and

That it is necessary, to give effect to the scheme, that all apples should be marketed by or through the medium of the aforesaid Central Selling Agency.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and in virtue of the powers vested in the Governor in Council by the War Measures Act or otherwise, is pleased to make the following regulations and they are hereby made and established accordingly:

#### REGULATIONS

##### *Definitions*

1. In these regulations, unless the context otherwise requires,—

- (a) "Annapolis Valley" means the Counties of Queens, Lunenburg, Annapolis, Kings and Hants, in the Province of Nova Scotia;
- (b) "agreement" means a certain agreement between His Majesty the King and the Nova Scotia Apple Marketing Board Limited for the marketing of apples grown in Nova Scotia in the year 1939;
- (c) "apples" means apples grown in the Annapolis Valley in the year 1939;
- (d) "Board" means the Nova Scotia Apple Marketing Board Limited.

##### *Powers of the Board*

2. (1) The Board shall have the exclusive right to sell apples for delivery outside the Annapolis Valley and all apples sold or shipped for such delivery before or after the coming into force of these regulations shall be deemed to have been sold or shipped by the Board.

(2) The Board shall be exclusively entitled to receive payment of the sale price of all apples sold or shipped for delivery outside the Annapolis Valley before or after the coming into force of these regulations and the Board is duly authorized on receiving payment to give a release of all claims made or to be made in respect of the sale price of apples so sold or shipped.

(3) The Board shall be entitled to recover any moneys heretofore or hereafter paid to any person other than the Board on account of the sale price of apples sold or shipped for delivery outside the Annapolis Valley.

##### *Pooling of Receipts*

3. (1) The Board shall have authority to conduct and shall conduct a pool for the equalization of returns (after deducting all necessary and proper disbursements and expenses as provided for in the agreement) to growers of all moneys received whether from the sale of apples for processing or for consumption as fresh fruit, such pooling arrangement to be on the basis that all growers receive the like returns per barrel for apples of the same varieties, grades and sizes.

(2) No grower shall be entitled to receive or claim from the Board any sum of money for apples other than on the basis of equalized returns.

##### *Export of Apples*

4. No person other than the Board shall sell for delivery, ship or export apples out of the Province of Nova Scotia.

### *Inspection Certificates*

5. Notwithstanding anything contained in the Fruit Vegetables and Honey Act or any regulations made thereunder, no inspection certificates shall be issued under the Fruit Vegetables and Honey Act to any person other than the Board or a nominee of the Board.

These regulations shall come into force on the date of publication in the *Canada Gazette*.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

### Order in Council authorizing Proclamation—Canadian Shipping Board

P.C. 4357

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 27th December, 1939.*

The Committee of the Privy Council have had before them a report, dated December 26, 1939, from the Right Honourable the Prime Minister, for the Minister of Trade and Commerce, stating that Clause 10 of Order in Council P.C. 4251, dated December 20, 1939, establishing the Canadian Shipping Board, provides that:

"These Regulations shall come into force on the day to be fixed by Proclamation of the Governor in Council published in the *Canada Gazette*."

The Committee, on the recommendation of the Prime Minister, advise that the said regulations be brought into force on Wednesday, the 27th day of December, 1939, and that a Proclamation do issue accordingly.

(Sgd.) H. W. LOTHROP,  
*Assistant Clerk of the Privy Council.*

*Canada Gazette, December 27, 1939*

### PROCLAMATION

TWEEDSMUIR,  
[L.S.]

### CANADA

George the Sixth, by the Grace of God of Great Britain, Ireland and the British Dominions, beyond the Seas King, Defender of the Faith, Emperor of India;

To all to whom these Presents shall come or whom the same may in anywise concern,  
GREETING;

### A PROCLAMATION

W. STUART EDWARDS,  
Deputy Minister of Justice, Canada.

Whereas the Canadian Shipping Board was established by Order in Council, P.C. 4251, of the twentieth day of December, one thousand nine hundred and thirty-nine.

And whereas the constitution, powers, duties and regulations under which the said Board shall act were set out in the said Order in Council.



And whereas paragraph 10 of the said Regulations provides that the Regulations shall come into force on a day to be fixed by proclamation of Our Governor in Council published in the *Canada Gazette*.

And whereas it is expedient that the said Regulations should come into force and have effect upon, from and after the twenty-seventh day of December, 1939.

Now know ye that by and with the advice of Our Privy Council for Canada We do hereby proclaim and direct that the said Regulations shall come into force and have effect upon, from and after the twenty-seventh day of December, 1939.

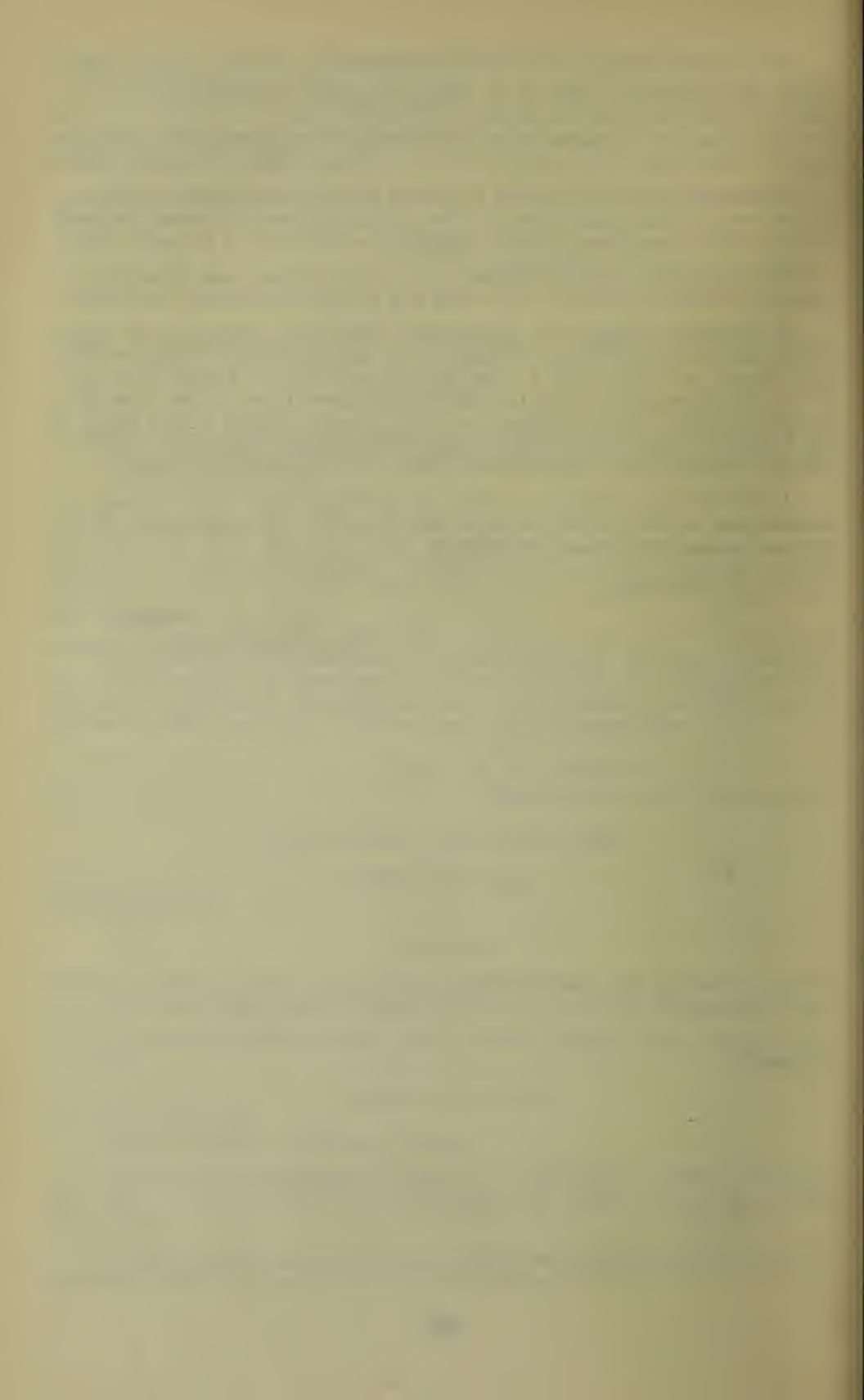
Of all which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof we have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness: Our Right Trusty and Well-beloved John. Baron Tweedsmuir of Elsfield, a member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twenty-seventh day of December, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Fourth year of Our Reign.

By Command,

W. P. J. O'MEARA,  
*Acting Under-Secretary of State.*



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